

THE
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State Historical Society,

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ANNALS OF IOWA.

VOL. VIII. IOWA CITY, JULY, 1870.

No. 3.

THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

(Continued from page 110.)

The propriety of assuming the responsibility of a state government was discussed at an early day; and this question was brought before the legislature, and on the sixteenth of February, 1842, a law was passed providing for a convention, and the taking of the necessary steps for the establishing of a state government. The convention was to consist of eighty-two members, and to meet on the first Monday of the next November; but before the law was to be in force it was to be submitted to the vote of the people.

But it seems that the people did not at that time feel disposed to assume the responsibility of a state government; for at the next election the proposition was voted down.

In the fall of this year there was another treaty held with the Sac and Fox Indians. At their agency, and on the eleventh of October, 1842, an agreement was signed for the purchase of all of their lands in Iowa.

By the provisions of this treaty the Indians retained the right to occupy all that part of their lands ceded: "which lies west of a line running due north and south from the Pointed or Red Rocks on the White Breast fork of the Des Moines river, for the term of three years."

In consideration of the grant of lands, the United States agreed to pay the Sac and Fox Nations, yearly, an interest of five per cent on the sum of eight hundred thousand dollars, and pay all their debts, which at that time amounted to two hundred and fifty-eight thousand five hundred and sixty-six dollars and thirty-four cents.

The United States was also to give the Indians a tract of land suitable and convenient for their puposes; some were on the Missouri river, or its waters, and "establish and maintain two blacksmiths' and two gunsmiths' shops convenient to their agency, and employ two blacksmiths with necessary assistants; and two gunsmiths to carry on said shops;" one of each for the Sacs, and one of each for the Foxes, the expense of which was to be paid out of their annuity, except such aid as the United States were under obligations to do by previous treaties.

The President of the United States was to have the line run from Red Rock, north and south, so soon after the ratification of the treaty as was practicable; and have it marked so that the Indians and whites might readily know the boundaries which were to separate their possessions, till the Indians moved to their permanent homes. The Indians were to give possession of all their lands east of Red Rock on the first of May, 1843, and move west.

When their new hunting grounds were allotted to them, on the west side of the Missouri, and the Indians prepared to move, it was incumbent on the United States to take them to their new homes, provided they moved within three years; if not, they were to go at their own expense.

It was also stipulated, that each of the principal chiefs of the nation should have out of their annuities, five hundred dollars, annually, to be expended by them, with the approbation of their agent, for such purposes as they might think proper. It was further provided, that there should be a fund amounting to thirty thousand dollars, retained at each annual payment in the hands of their agent, to be spent by the chiefs, with his approbation, for national and charitable pur-

poses, such as the support of their poor, burying their dead, and such other purposes of a general utility, as their chiefs might think proper.

The eighth article of the treaty sets forth, that "the Sacs and Foxes have caused the remains of their late distinguished chief, Wapello, to be buried at their agency, near the grave of their late friend and agent, General Joseph M. Street, and have put into the hands of their agent the sum of one hundred dollars, to procure a tombstone, to be erected over his grave, similar to that which has been erected over the grave of General Street; and because they wish the graves of their friend and chief, to remain in the possession of the family of General Street, to whom they were indebted in his lifetime for many acts of kindness; they wished to give to his widow, Mrs. Eliza M. Street, one section of land, to include the said graves, and the agency house and enclosures around and near it."

The provisions contained in this article of the treaty, were the occasion of much discussion. Reservations heretofore made had been the occasion of much trouble, and the instructions to Governor Chambers in holding this treaty were to allow no reservations to be made, and it was strongly urged on his part, that there should be none.

The chiefs claimed other reservations, which they were induced to yield; but they said that they had promised the family of General Street that his grave should be respected, and they most positively refused to make any cession of land unless this reservation was made. After much delay, and finding it useless to contend, Governor Chambers consented that this reservation should be included in the articles of the treaty. And for fear this might be rejected, Keokuk caused another article to be added to the treaty, which provided: "That, should the senate disagree to, and reject, alter, or, amend any portion or stipulation thereof, the same must be again submitted to the Sacs and Foxes, and assented to by them, before it should be considered valid, and obligatory upon them."

Under these circumstances, the treaty was ratified by the senate without any alterations, and patents were issued to Mrs. Street to six hundred and forty acres of land, "in such legal sub-divisions as included the burying ground, the agency house, and improvements around and near it, as was selected by Mrs. Street."

As soon as it was known that this treaty had been made, there was a great rush of immigration to Iowa, and large numbers marked out and made temporary settlements near the boundary line of the Indian country, so as to be ready on the first day of the next May to move into the new purchase, and select choice locations for their claims.

The winter of 1842 and 1843 is noted as the cold winter. There was a snow about a foot deep fell on the night of the ninth of November, most of which lay on the ground till the next April. During most of the winter the snow was from two to four feet deep, and a great portion of the time the thermometer was about twenty degrees below zero.

On account of there being a large immigration to the territory the previous fall, and the long and severe winter, there was a great scarcity of provisions and feed for cattle; so much so, that many horses and cattle died, and many farmers were very much incommoded by losing their stock.

The wolves, that winter, were unusually thick, probably being driven from the Indian country into the settlements on account of hunger, to find something to live upon. And so thick and troublesome were the wolves that parties were formed in almost every neighborhood to hunt them. The mode of hunting wolves was, whenever there came a snow, to gather up a party of men on horseback, sometimes as high as twenty or thirty, and go out on the prairies with a pack of dogs. When the snow was light, the wolves would sink into it, and could not run as fast as a horse. The dogs were sent out to hunt up the wolves and the horsemen followed slowly after them till they started one, when the horsemen gave chase at the full speed of their horses, and would run over the wolf, or turn his course, and thus delay his flight till the dogs

came up, and in this way they were almost sure to kill the wolf. Sometimes a wolf would get into a beaten track, when they were closely pursued, and would not leave it, and in this way they were frequently driven into the towns and killed in the public streets.

The prairie chickens and other game died from the cold or starvation, or were destroyed by the wolves, so that for a year or two there was hardly any to be found.

The wolves, though they suffered from the chase in the fore part of the winter, when the snow was light, in the latter part, when the snow became compact, had a season of ease and plenty; for the snow became so solid that it would bear them up, and they could run on the crust, while a horse or man would sink into it, and the wolves could easily get out of the way of those who attempted to pursue them. But the snow was not solid enough to bear up a deer, and while in his leaps the small feet of the deer penetrated the snow, the wolf not being thus impeded, could easily outrun him, and from this cause the carcasses of many deer were found which had been killed by the wolves.

The Mississippi river was frozen as low down as Ft. Madison, so that they crossed over with teams on the ice till after the first of April.

Across the prairies, over which the wind had a fair sweep, it kept the beaten track even with the surface of the unbeaten snow, and, the track becoming compact, in the spring when the snow melted away, it did not go off in the roads till long after it had disappeared in places where it had not been tramped. And where there had been a beaten track there was a solid bank of snow or ice from two to four feet high, which looked as if some one had attempted to fence up the lands with solid walls.

When the legislature met at Iowa City on the first of December, 1842, the place had so far improved that the members of the legislature and other visitors found very comfortable accommodations. There had been, during the summer, a large brick house put up on the south side of the Cap-

itol square, called the "Globe House," but generally known among those in the city as the "Brick Dust." Swan had built an addition to his hotel, so that by these additional hotel facilities, visitors to the city had no occasion to complain of their accommodations.

The walls of the capitol had been carried up to the square, and all the mason work of the south gable completed. The roof was on, and the north gable boarded up with rough boards. The cupola was finished to the first contraction and the top temporarily inclosed; the two large rooms on the east side and two small ones on the west, in the second story, were so far finished that they were occupied by the legislature and officers of the territory.

At the commencement of the year of 1842 there was a great crisis in money matters. Most of the banks through the country had suspended specie payment in the fall of 1840, and many of them at this time were afraid to make their accustomed loans. For several years previous to 1840 there had been carried on through the whole country a wild species of speculation, and real estate everywhere increased in value, and particularly the lands in the west had gone up to very extravagant prices. Owing to the excitement in speculation, most everybody had become more or less in debt. The banks were not able to keep out their usual circulation, but were compelled to call in their outstanding dues to enable them to redeem their returning bills; money everywhere became scarce, and property went down in value faster than it had gone up, and it was almost impossible to sell at any price.

General Harrison, who had been elected President in the fall of 1840, almost as soon as he had been inaugurated into the presidential chair, issued his proclamation for an extra session of Congress. At this special session of Congress almost the first act passed was a law establishing a uniform system of bankruptcy through all the states. And a great many of those who had involved themselves in debt by means of speculation or otherwise, availed themselves of this mode of paying off their debts. Such was the number of those who went

into bankruptcy that there seemed to be a universal distrust among business men; and no one who had been engaged in business where it required him to purchase and sell on credit, was able to tell whether he could close his business and be able to pay his liabilities.

In addition to the general crisis all over the country, early in the year of 1842 all the Illinois, Wisconsin, and a great portion of the Michigan and other western banks failed. The Illinois banks were estimated to have over three millions of dollars in circulation, which, in the market, was only worth from thirty to forty cents on the dollar, and the notes of these banks soon went out of circulation, and most everybody in the west lost more or less on these bills.

The loss sustained by the failure of banks, and the hard times occasioned by the general panic in the money market, created a great prejudice against all banks, and the sentiment prevailed, to a great extent, in favor of a strictly hard currency, and this was made, to a certain extent, in many parts of the country, and particularly in the west, a political issue.

The Miners' Bank, of Dubuque, which was chartered by the legislature of Wisconsin, and the only one at this time in Iowa, suspended specie payment the last of March, 1841, and refused to redeem its bills with specie till the first of July, 1842. As soon as the bank resumed specie payment, the demand for specie was so great that in about a week it again suspended, and the result was that the value of the notes of the bank became greatly below par. The course pursued by this bank was such that the legislature, which met on the first Monday in December, 1842, thought proper to make an investigation of its affairs.

This bank, like many others, had been started on fictitious capital. The stockholders, instead of paying their stock in money, when the bank commenced business, executed their notes, and among the number was a man by the name of Saint John, who resided in St. Louis. Saint John had become a stockholder to the amount of forty thousand dollars by executing his notes to the bank, and afterwards became in-

debted to it by borrowing money to the amount of fifty-seven thousand dollars, and, before he had paid any of this indebtedness, failed, and took the benefit of the bankrupt act. And the whole of the indebtedness was a loss to the bank.

Thomas Rodgers, a member from Dubuque, in the early part of the session, gave notice of his intention to introduce a bill to repeal the charter of the bank, and provide for winding up the affairs of the same; which was subsequently done, and the whole matter of the bank was referred to a select committee of one from each senatorial district, of which committee George H. Walworth was appointed chairman.

Richard F. Barrett and Thomas Marther, of Springfield, Illinois, the former a wealthy man, and a large land holder in Iowa, and the latter the president of the State Bank of Illinois, had become interested in the Miners' Bank of Dubuque, for they saw that the banks of Illinois, and many other of the western banks would have to be closed up, and, thinking that a bank at Dubuque would, probably, be a profitable institution, made their arrangements to buy up the stock and secure its charter. They had so far secured the control of the bank at Dubuque, as to deem it advisable to make an effort to preserve the institution by advancing funds, and using their influence to prevent the legislature from repealing its charter. The democrats had the ascendancy in the legislature, and any measure which could be adopted to cripple or break down banks was, at that time, in Iowa, considered good democratic doctrine. Barrett knew, in order to carry out his plans and revive the bank at Dubuque, he must have the sanction of the legislature, and that it was necessary for him to bring some influence to bear on the democratic members of the legislature to get a favorable action of that body. Barrett selected a man by the name of Morbley, and sent him to Iowa City as a lobby member, to look after the interest of the banks, and he brought with him several letters from Barrett to some of the prominent members of the legislature. Morbley did not manage his cause with as much skill and caution as prudence for his cause demanded; for, when there seemed to be a dis-

position among the members to sustain the banks, *Madame Rumor* soon had it reported to the public breeze, that there was some improper means being used to obtain a favorable action of the legislature in behalf of the Miners' Bank, of Dubuque.

The *Iowa Capital Reporter*, then conducted by Jesse Williams and Thomas Hughes, speaking of the action of the legislature in relation to the Miners' Bank, said :—

“To justify those gentlemen in a little better manner than they have done in the article in question, and to show that they are not altogether fools, it is necessary for us to state and inform the public that they have a much more substantial argument for so sudden and great a change. Some offer and promises of a personal reward and private advantage have, it is well known here, been made from a certain quarter, to certain members of the legislature, in consideration that they will interpose to save the bank. There might have been some delicacy in putting this into the manifesto, but it undoubtedly had more weight in the change of opinion, than an expectation that the State Bank of Illinois, unable to redeem its own bills, can spare fifty thousand dollars to carry on business abroad.”

This article in the *Reporter* produced much sensation among the members of the legislature, and, in the house, a resolution was adopted—

“That a committee of five be appointed, with instructions to cause Jesse Williams and Thomas Hughes, editors of the *Reporter*, to appear before said committee, and to them give testimony, under oath, in relation to said charge; also, to send for such other persons and papers as they may deem proper, relating to the subject of said charge, and report to the house without delay.”

Walworth, Bunker, Falkner, Hepner, and Newell, three whigs and two democrats, were appointed the committee, and immediately proceeded to investigate the matters referred to them. The result of the examination showed that Barrett had employed Morbley to come to Iowa City to use his influence

to get the legislature to sustain the bank, and had sent by him four letters to members of that body. One was addressed to James Morgan, the speaker of the house; as follows:—

“[Confidential.]

“SPRINGFIELD, ILLINOIS, Dec. 26, 1842.

“*Dear Sir*:—The Dubuque Bank charter is owned by the Gas Light Company, in St. Louis, and I am in treaty for it. If I get it, a company of us will put in from fifty thousand to one hundred thousand dollars capital, in specie, and we will make it one of the best banks in the Union. I see the charter is menaced; now, I ask your kind offices in preventing its destruction, until I can have time to consummate my arrangements. You know my attachment and interest at Burlington, and, if I succeed, the institution can and shall throw benefit to that city and the whole territory, and upon you, too, individually, if an opportunity should offer.

“I shall write to Lettler, Springer, and Patterson on the subject, and will, also, try and have the Dubuque delegation influenced. All I want is six or eight months to make arrangements, and clear incumbrances from the bank. The capital to start it can be got at any time.

“Your friend, truly,

“RICHARD F. BARRETT.”

The letters to Lettler, Springer, and Patterson were of the same character as the one to Morgan, except there was no offer to bestow upon them individual favor.

Nearly all of the members were examined, but there was no positive proof of any direct attempt to bribe any of them. Morbley, however, soon found that Iowa City was not a very pleasant place for him, and, suddenly, was among the missing.

The committee to whom the matters of the bank had been referred could not agree, and brought in two lengthy reports. Hepner, on behalf of the majority, reported in favor of repealing the charter of the bank, and providing for winding up the affairs of the institution, and, as a part of his report, submitted a bill to carry his recommendations into effect. Wal-

worth, a leading whig in the house, as chairman of the committee, made a lengthy report, discussing the constitutionality of the bill reported by Hepner, and, in his report, he tried to put as favorable an aspect on the doings of the bank as they could, and took grounds against a "full and unconditional repeal of the charter," as aimed to be done by the majority report, principally for the reason that the property of the bank would "revert to the grantors of the charter, or escheat to the people," and deprive those interested in the institution of their just rights, but wound up their report by saying that they "deemed all banks which do not, at all times, and under all circumstances, pay specie for all their liabilities, as unsafe, and dangerous to the best interests of the community; and, in order to protect the community against unsound and spurious currency, they deemed it inexpedient to legalize or justify bank suspension, and, therefore, have prepared a bill providing for closing and winding up the affairs of the bank, in such manner as will secure the assets of the bank to its creditors."

The minority report did not meet with much favor with the democrats of the house.

Walworth and the other whigs offered several amendments to Hepner's bill, but they were voted down, and the bill finally passed, very nearly as it came from the hands of the committee, by a unanimous vote of the house, many, probably, voting for it against their real sentiments, fearing, on account of the rumor of bribery which had been circulated, that they might be liable to the charge of being influenced through personal consideration. The bill went to the other branch of the legislature, and was delayed by the friends of the bank so that the council adjourned without taking any action on its merits, and thus, for a while, the existence of the bank was prolonged.

The committee to whom was referred the article in the *Iowa Capital Reporter*, like the committee on the bank, could not agree in their conclusions, making the question a political issue.

Walworth and his two whig associates made a lengthy re-

port, in which they included all the testimony they had taken, and concluded their report by recommending the passage of resolutions of censure.*

Hepner and Falkner were opposed to that part of the majority report in relation to the editors of the *Capital Reporter*, and took the ground that the matter was not "within the authority or jurisdiction of the house," and "that the public and the press had a right to speak of the conduct of members of the legislature as well as others"; "if the press transgressed its limits, the judicial tribunals of the land are open for redress of the injured party; "but the legislature cannot punish or censure an individual for speaking against members." These reports were laid on the table, and thus the matters ended, as far as the legislature and the editors of the *Reporter* were jointly concerned.

The result of this investigation was, that the bank, which, at the first of the session, had many warm supporters, and, at one time, had a strong probability of being sustained by the legislature, became more odious in the estimation of the public than ever.

The contest about the bank was not confined to the halls of the legislature. The report made by Walworth, and the resolutions concerning the editors of the *Capital Reporter*, though not adopted by the house, so much incensed the conductors

* The resolutions were as follows:—

"WHEREAS, It appears by the testimony herewith submitted, that overtures highly improper have been made by Richard F. Barrett, of Springfield, Illinois, to a member of this legislature; and, whereas, it has been represented by an article in the *Iowa Capital Reporter*, that members of this legislature have been influenced by such overtures; and, whereas, it appears from the testimony that such reports are untrue; therefore,—

"Resolved, That we regard the communication of Richard F. Barrett to James Morgan as highly improper, and unworthy of a gentleman or an honorable man.

"Resolved, That we deem the delivery of the letter by Mr. Morbley to Mr. Morgan, the contents being known to Morbley, as rendering him, to some extent, culpable or accessory to the offense committed by Mr. Barrett.

"Resolved, That we regard the course pursued by James M. Morgan, in relation to said communication, as indicating no disposition to be influenced in the slightest degree by overtures therein contained.

"Resolved, That we regard the charge contained in the *Iowa Capital Reporter*, of the 21st instant, implicating members with having been influenced in their legislative action, by promises of personal reward and private advantage, as entirely untrue, and highly reprehensible in its character, and, therefore, we deem the editors justly deserving the censure of this house."

of that paper that they made a poignant attack upon Walworth, and very severely criticised his course in the legislature. Walworth, being a spirited man, did not quietly rest under the castigation given him by the *Reporter*, but, meeting Williams, who was understood to have charge of the editorial department of the paper, one day in the library room, made an attack on him, and, being much the stronger man, threw him upon the floor and commenced beating him. Williams, being spunky, and not wishing to acknowledge himself whipped by crying enough, continued the tussle, and Walworth kept on beating him till the floor and carpet were besmeared with a puddle of blood. While the fight was going on, Secretary Stull, who had just fitted up the room with a new carpet, came into the library, and, seeing how his carpet was being soiled, feeling, doubtless, more anxiety for his new carpet than for the bruised forms of the combatants, cried out at the top of his voice, in an angry tone, "You d—n scoundrels! what are you spoiling my carpet for?" and instantly seized hold of both of them and put them out of the room. Williams, not being satisfied from the pounding he had received to let the matter drop, as soon as he had recovered from his wounds so as to be able to be about, seeing Walworth in the post office one evening, come up behind him, and, before Walworth knew what he was about, struck him a severe blow over the head with his cane. But, in this contest, as in the other, Williams got the worst of the encounter, and this closed the contest about the Miners' Bank for that session of the legislature.

About the commencement of the year 1843, there was one of the hardest times in the money market that had ever been known in the west. All the Illinois, and a great portion of the other western banks' paper, had gone out of circulation; land and everything had gone down in value to almost nominal prices; corn and oats could be bought for from six to ten cents per bushel; pork at a dollar a hundred; and the best kind of a horse which the farmer could raise would only bring from fifty to sixty dollars. Most everybody was in debt, and

the sheriff and constable, with a legal process, trying to collect debts, were common visitors at almost every man's door, and much property was sold on execution at very reduced prices. To try to alleviate the general financial distress of the territory, was a question of much consideration before the legislature at that time. To accomplish this, they passed what was generally known as the valuation law. This law provided, that when an execution was issued to be levied on property, that the officer should take such property as the defendant might direct. If the levy was made on real estate, the officer was required to call an inquest of three disinterested men, having the qualification of jurors, who were to value the land under oath, and if the land did not sell for two-thirds of its value, then the sheriff was to offer it to the plaintiff, and if he would not take it at two-thirds of the appraised value, there was no sale, and the land could not be offered again for twelve months, only at the costs of the plaintiff, unless, when offered, it should bring more than two-thirds of its value, then the cost was to be paid by the defendant. In relation to personal property, the officer was to select two disinterested persons, who, with himself, were to appraise the property, and if it did not sell for two-thirds of its value, then he was to offer it to the plaintiff, and if he did not take it at two-thirds of its value, the officer was to return no sale, and it would not be offered again, unless at the cost of the plaintiff, for six months. This law, to some extent, worked a relief to those who were in debt, by preventing their property from being sold at a sacrifice, for, after the passage of this law, debts were mostly settled without legal process.

This financial distress of the country was attributed to the banks by the democratic political party, and, assuming this to be the cause of this depression in business, this party, particularly in the west, were hostile to all banking institutions, and in favor of a specie currency; and almost the first move that was made in the Iowa legislature, which convened on the first Monday of December, 1843, was the introduction

of a bill to repeal the charter of the Miners' Bank, of Dubuque. Numerous petitions were sent from all parts of the territory, some for sustaining the bank, others for repealing its charter, and this institution was the great question of the session. The citizens of Des Moines county, and, particularly, those of Burlington, to whom Barrett, the previous winter, had made proffers of personal benefit if the bank could be sustained, were the most active in showing their hostility to this institution. They got up a letter of instruction, which was signed by eleven hundred and seventy-two citizens of the county, nearly as many as they had voters, instructing their member "to vote for the passage of a law compelling the Miners' Bank of Dubuque to resume specie payment within thirty days, and, in case of a refusal, to authorize the judge of the district court to appoint commissioners to wind up the affairs of the bank." This letter of instruction was presented to the house by Grimes, when Hackleman, of Des Moines county, raised a question of order, insisting that, inasmuch as the letter was addressed to the members of Des Moines county, and not to the legislature, that they had no right to receive it. This excited much feeling, and, after a long debate, the speaker decided that the letter could not be received, inasmuch as it was directed to the members of a county, and not to the house, or to the legislative assembly. But, on reflection, the speaker changed his opinion, and, the next day, the letter was received by the house and reported to the proper committee.

The bill for repealing the charter of the Miners' Bank of Dubuque, and providing for winding up the affairs of the same, passed the house and was sent to the council. In the council, the bill was amended by striking out all after the enacting clause, and providing, among other things, that the bank should resume specie payment within thirty days after the passage of the act, and should make its notes redeemable in specie, at Burlington, St. Louis, and New York, and the cashier was required to make out, under oath, once in every ninety days, a statement of the financial condition of the bank, and publish the same in some paper; and, in case the bank refused to

comply with the provisions of this act, or at any time refused to pay any of its liabilities in specie, at any of the places where its bills were made redeemable when demanded, then the district attorney of the third judicial district was required to immediately sue out a writ of *quo warranto*, and prosecute the same to final judgment, in accordance with the provisions of the law of the territory. It also provided that the stockholders should be individually liable to the amount of their stock, and that the bank should not issue its own, or the notes of other banks, of a less denomination than five dollars. The bill so amended was passed by the council with only three dissenting votes, and sent to the house for their concurrence. The house refused to concur, and sent the bill back to the council, when Joseph B. Teas moved to lay it on the table till the fourth of July next, which motion was decided in the affirmative. And thus ended the contest for that session of the legislature, about the Miners' Bank of Dubuque.

To a disinterested observer, it might appear singular to see the zeal manifested by the members of the legislature to destroy this banking institution, because it did not promptly pay its notes in specie, while at the same time, the territory was owing the bank for money borrowed to expend in completing the capitol, in the sum of five thousand and five hundred dollars, besides interest, which amount was borrowed and became due before the bank suspended specie payment. And it was shown by the committee appointed to investigate the affairs of the bank, that this sum, together with the specie on hand at the time of the investigation, would have been sufficient to "redeem all the bills the bank then had in circulation not in the hands of the stockholders." And, while it was well known to the members of the legislature that the bank wanted this money, they made no provision to pay the bank its just dues.

THE GARRY OWEN VOTE.

BY WM. H. TUTHILL, TIPTON, IOWA.

There are many amusing incidents in the early settlement of Iowa yet unrecorded by the historian, particularly among the political struggles between the whig and democratic parties for supremacy.

The story of the "Woodbridge Sell" has been perpetuated in the April number of the ANNALS, and the tale of the "*Garry Owen Vote*" is now submitted as an episode of like character.

During the territorial days of Iowa, Jackson county, by her unswerving fidelity and large majorities for the democratic ticket, claimed and was awarded the high sounding appellation of the "Banner County," and, as a reward for her faithful services in that behalf, one of her aspiring sons, a stage-driver, was elevated to the commanding position of governor, to the entire satisfaction of his supporters, of whom none were more exultant than the unterrified voters of Garry Owen.

Now, as some of the readers of the ANNALS may not be particularly well posted in the topographical history of their own abiding places, it may be well enough to state that Garry Owen is, or was, a sort of *terra incognita*, situated in Butler township, in the north-western part of Jackson county, and that its inhabitants were composed exclusively of that portion of the Caucasian race known as Catholic Irish, who, it was said, refused to permit any but *whole-hog democrats* to settle within their boundaries, and it was also asserted that the only one among them who could read and write held the office of postmaster, and furnished the tickets for each of the hardy sons of Erin to vote at each periodical return of election day. These representations may, possibly, have been erroneous, but it was an incontrovertible fact that, at the closing of the polls, *that* precinct invariably made the return of a solid and undivided vote.

In the onward progress of events a state government was inaugurated, and the whig party had, to a great extent, succumbed to the strength and numbers of its opponents, when a new and startling phase appeared in the political hemisphere, in the advent of the "*know-nothings*," who, by some undiscovered system of their own, without visible means, silently appeared, grew, culminated, and became victorious, baffling and disconcerting all the schemes and wire-workings of time-honored politicians. Still, however, the usual party machinery was kept in motion, and in the spring of 1855 a regular democratic convention was held, and A. R. Cotton, Esq., of Clinton, duly nominated as their candidate for judge of the eighth judicial district, then composed of Muscatine, Scott, Cedar, Jones, Clinton, and Jackson counties, in which, as the party majority was considered perfectly reliable, and, with a candidate whose character was irreproachable, capability undoubted, and popularity well attested, it might well be supposed there would be no serious opposition.

The astute old whigs, after due deliberation, determined that it would be unadvisable to hold a convention, but suggested that one of their own number, a well known attorney of Cedar county, should be announced as an independent candidate. Of this resolve the ubiquitous "*know-nothings*," by some means or other, possessed themselves, with the further information that he would be warmly supported by the new temperance party, under the lead of Hiram Price, Esq., of Scott county, and sagaciously concluded to aid the movement, which, if successful they would claim as their victory. The secret workings of the order have never been fully developed, but the machinery must have had skillful engineering, for it seemed to be a modern exemplification of the ancient *veni vidi, vici*, and the conclusion might well be drawn that, *great was America, and "Sam" was his prophet!*

One of the principal objects of their ambition being to demoralize the dominant party, it was a logical conclusion that the "*Banner County*" would be strongly assailed, and, as it afterward appeared, every effort that skill and subtility could

device was made to revolutionize the stronghold of democracy; among others, the ingenious *ruse* practiced on the ignorant voters of Garry Owen may serve as a specimen.

Knowing their irreconcilable hostility to the know-nothings, a well known democrat (although, secretly, one of the dark-lantern gentry), was despatched to Garry Owen, and, in an interview with the postmaster, informed him, in strict confidence, that it had just leaked out that Cotton had joined the detested order, and that proof could be had of his assisting at the initiation of a candidate, adding that the discovery was made in consequence of the novice refusing to take the obligation, and, being indignant at the deception practiced on him, had divulged the whole proceedings.

This artfully concocted story, coming, as it did, from one of their own file leaders, so exasperated the faithful Hibernians that they at once positively declared that "divil a vote for Cotton" should be given in that precinct, the news of which resolve soon seached him, when, provoked by the audacious calumny, he very injudiciously (as it afterward proved) went before a notary public and made oath that he was not and never had been a know-nothing, and was totally opposed to them and their doctrines. Copies of the affidavit, duly attested by the notary, were forwarded to Garry Owen, and the vile slander was supposed to be fully and entirely confuted. But the wily followers of "Sam" were not so easily disconcerted; for, the day before the election, the same agent *happening* to visit that part of the country, explained the situation, pointed out to his credulous hearers that it was a well known principle of these sacriligious wretches to deny that they were know nothings, and, if necessary, to *swear* to it; boldly asserting that the "affidavit" itself was incontrovertible evidence that their candidate *did* belong to the detested fraternity.

The faithful Celts were puzzled; there was not sufficient time to obtain further information; and when the returns of the election were canvassed, it was found that there was not a single vote for judge cast in Butler township.

This unprecedented result was accompanied by the startling announcement that Jackson county, for the first time in its history, had failed to support the democratic ticket.

The sequel is obvious. The Cedar county candidate was elected by a large majority, toward which Jackson county contributed her proportionate share, a result due, in some measure, to the absence of the Garry Owen vote.

PIONEERS OF MARION COUNTY.

BY WM. M. DONNEL.

CHAPTER IX.

(Continued from page 136.)

COUNTY OFFICERS—FIRST SESSION OF COMMISSIONERS' COURT
—FIRST BUSINESS TRANSACTED—CHANGING THE NAME OF
THE COUNTY SEAT—THE ROSE ANN MCGREGOR CASE.

The officers chosen at the first election (the first Monday of September, 1845), were the following:—

Conrad Walters, William Welch, David Durham, *County Commissioners*.*

*The election at which these officers were chosen was a *special* election, and their terms of office expired at the August election in 1846. Then, by an old act of the territorial code, regulating the terms of county commissioners, the one receiving the highest number of votes served three years, the next highest two, and the lowest, one. At the regular election (at the date above mentioned), Samuel Tibbet received the highest number of votes, David Durham the next, and Hugh Glenn the lowest. By authority of an act of the state legislature in 1846-7, the county was required to be divided into commissioners' districts, which was accordingly done at the April term, 1847. All that part of the county north of the river was made to constitute one district, and, in 1867, Thomas Pollock was elected therein to take the place of Hugh Glenn. All that part of the county south of the river and east of the line between ranges nineteen and twenty constituted the second district; and all south of the river and west of said line, constituted the third. Martin Neel was elected commissioner from the second, in 1848, and Miles Gordon from the third, in 1849, as will appear in a list of county officers in another place. At the same date, all of Warren county, which then belonged to Marion, was declared "Warren Precinct," and all the territory west of Warren, also belonging to Marion, was called "Black Oak Precinct."

Sanford Doud, *Commissioners' Clerk*.

Francis A. Barker, *Probate Judge*.

James Walters, *Sheriff*.

David T. Durham, *Treasurer*.

Reuben Lowry, *Recorder*.

Isaac B. Power, *Surveyor*.

Green T. Clark, *Assessor*.

Wellington Nassaman, *Coroner*.

About two hundred votes were polled at this election, and the probable population of the county was about twelve hundred.

For some reason, Sanford Doud, elected as county commissioners' clerk, failed to appear and be qualified in due time, and Lysander W. Babbitt was appointed in his stead, at the first meeting of the board, which was on the 12th of September, 1845. The records, in Mr. B.'s hand, from which we obtained the matter for a large portion of this chapter, are still to be seen in the office of the probate judge, in a good state of preservation.

At the date above mentioned, the commissioners met at Knoxville for business. That place had just been selected by the commissioners appointed in the act given in the preceding chapter, as the seat of justice for Marion county. The house in which the first session was held is described as a "claim pen," made of linn poles, about twelve by sixteen feet square, chinked and daubed in the usual manner of enclosing such buildings, covered with "clapboards," and a square hole cut in the side wall for a window, that could boast of neither sash nor glass. This cabin stood in what is now block thirty-three, in the east part of the city.

As a matter of historical record, we here introduce a *verbatim* copy of the first entry made upon the minute book of this court. The first meeting of the first commissioners' court was, certainly, a sufficiently important event in the history of the county, all circumstances considered, to be distinctly remembered, and the tone of the preamble seems to have emanated from a due appreciation of this fact:—

"Be it remembered, That on the 12th day of September, A. D. 1845, Conrad Walters, David Durham, and William Welch, county commissioners, duly elected and qualified within and for the county of Marion, in the territory of Iowa, met at Knoxville, the seat of justice for said county, for the purpose of holding a called session of the county commissioners' court of said county."

The court was then opened by L. C. Conray, deputy sheriff, and the only important business transacted related to the county seat. The two commissioners who had made the location presented their report, which was received and placed upon file. It was dated August 25th, and designated the north-west quarter of section seven, township seventy-five, range nineteen,* as the most suitable place for the seat of justice for Marion county. This was on a high, level prairie or plateau, about one mile south of the exact center of the county, and in the near neighborhood of excellent timber, so that no better location for the convenience of the people then, and for all time to come, could have been selected. For those living north of the Des Moines river it may be deemed more or less inconvenient to reach it at certain seasons of the year, when that stream is an obstruction to travel; but this difficulty could not have been overcome by any other location; it was one that could not be moved, but might be materially modified by ferries and bridges.

Within the last few years, some of the citizens north of the river have spoken favorably of dividing the county and erecting a new one from the strip of territory lying between Des Moines and Skunk rivers, consisting of parts of Mahaska, Jasper, and Marion counties, thus obviating the necessity of crossing either of those streams to reach their county seat. But it appears evident that the expense of organizing a new county of such a narrow, irregular shape, and maintaining its government at, necessarily, the same cost of larger counties,

* Though the country had not yet been sectionized, the locality above described could be easily ascertained by its nearness to the north-west corner of the township, lying only one mile south of that point.

would be much greater than that required to build a substantial bridge at each of two or three convenient places across the Des Moines and Skunk ; or, if bridge building is found to be impracticable, let a portion of the business requiring the attendance of the people living there, at the county seat, be transacted at some given point north of the river. This is a digression from the true line of our history, but, in our opinion, not less important. We deprecate a division of the county as tending to no beneficial results.

The locating commissioners suggested the name of Knoxville for the county seat, in honor of the memory of General Knox, a distinguished leader in the war for independence, and the authorities of Knoxville afterwards complimented the commissioners by naming two of the principal streets crossing east and west, Montgomery and Robinson.

The name of Knoxville proved generally satisfactory to all concerned except to one individual — L. W. Babbitt — who seems to have had a preference for odd or uncommon names. Some time after, when he kept the post office there, he thought the liability of mistaking Knoxville, Iowa, for some other place of the same name — for instance, the one in Tennessee — in the posting of mail matter, would justify him in obtaining a change of the name. So, having business in Iowa City on the occasion of the first session of the state legislature, in the winter of 1846-7, he there took the opportunity, on his own responsibility, to solicit an act of that body legalizing the change. Having drafted a bill to that effect, he presented it, and had the satisfaction of seeing it adopted. On his return home, he first stated to D. T. Durham, who attended to the post office and clerkship during his absence, that such was the fact — that Knoxville was no more Knoxville, but Osceola. But so soon as this unauthorized transaction was publicly known, the people were much displeased thereat, and not in the least disposed to pocket the joke. As speedily as possible, a petition was extensively circulated and signed, asking for the repeal of this change, and sent to Iowa City by the hand of James Willes, who delivered it to Hon. Simeon Reynolds, representative from Marion. Mr. R.,

in response thereto, drafted and presented a bill to repeal the name of Osceola, but, by an oversight (which was also the fault of the petition), failed to reinsert the name of Knoxville. The act passed ; but now, a worse joke was apparent, from the fact that the repeal of the last name did not restore the former, and, therefore, Knoxville was neither Knoxville nor Osceola. But, after the joke had run a brief season, the matter was readjusted, and Knoxville was herself again.

At the second session of the board of county commissioners, which was on the second Monday of October, a subject of peculiar interest was brought up, by an order, which is said to have been originated by the noted Babbitt, whose exploits have, somehow, rendered him a prominent personage in this history. Said order required that all blacks or mulattos residing in the county should appear before some justice of the peace and give bonds for their good behavior, or be expelled from the county. This order was, in accordance with an act of the territorial legislature, entitled "An Act to regulate blacks and mulattos," dated June 21, 1839. But, in order to a more comprehensive introduction to the subject, we here insert clauses of said act bearing more directly upon the case in hand : —

"SECTION 1. *Be it enacted, &c.*, That from and after the first day of April next, no black or mulatto shall be permitted to settle or reside in this territory, unless he or she shall produce a fair certificate from some court within the United States, of his or her actual freedom, which certificate shall be attested by the clerk of said court, and the seal thereof annexed thereto by the said court, and give bond, with good and sufficient security, to be approved of by the board of county commissioners of the proper county in which such person of color may reside, payable to the United States, in the penal sum of five hundred dollars. * * * * *

"SECTION 2. If any negro or mulatto, coming into this territory as aforesaid, shall fail to comply with the provisions of the first section of this act, it shall be and is hereby made the duty of the county commissioners in any county where such

negro or mulatto may be found, to summon him, her, or them to appear before some justice of the peace to show cause why he, she, or they shall not comply with the provisions of this act.

And if such negro or mulatto shall still fail to give the bond and security required by the first section of this act,

it shall be the duty of the county commissioners of such county to hire out such negro or mulatto for six months, for the best price in cash that can be had. The proceeds of such hiring shall be paid into the county treasury of the proper county, for the use of such negro or mulatto, in such manner as shall be directed by the board of county commissioners aforesaid."

A history of the case may now be in order, and may not prove wholly uninteresting, even to those personally acquainted with the facts. It was known that there was a negro (or, rather, a negress) in the county, else such an order would have been regarded as an idle formality.

Some time in 1844 or 1845, a man named Thomas McGregor came from Illinois to what is now the north-east corner of Indiana township, and called upon Mr. George Henry, a settler in that neighborhood, and asked his assistance in selecting a claim. Mr. H. readily gave him the required assistance, after which, McGregor asked the privilege of moving into the house with him till he could get a cabin fixed up on his claim. Mr. Henry, being desirous of accommodating those who were to become his neighbors, and, inasmuch as the family of Mr. McGregor was small, consisting of only the man and his wife, he readily assented to that arrangement also. But when the guests arrived, the astonishment of Mr. Henry may, possibly, be imagined, when he first beheld in Mrs. McGregor a full-blooded African, about as dark as the darkest of the race, possessing all the charms that could be summed up in a figure of ample proportions, and features of combined brilliancy and prominence. As a matter of course after this discovery, he lost no time in reconsidering his promise. He was not disposed to encourage further "domestic relations" with this in-

teresting pair, and honestly signified to Mac that his mind had undergone a change on the subject. So the latter, with his lovely spouse, was compelled to seek some other shelter. Not finding a house, they camped out, as they had previously done, until their cabin was built. But the nature of their relationship was such that they were not permitted to long enjoy it in peace. It was taken for granted that they were living in violation of a statute of the territory forbidding matrimonial connection between blacks and whites, and, for this offense, were arrested and brought before Justice Levi Bainbridge, on Lake prairie, and tried. Not being very well pleased with the rulings of this court, they took a change of *venue*, and their case was turned over to Justice Mike Morris, who happened to be present. After giving it a hearing, Mike referred the matter to the Mahaska county grand jury — this being previous to the organization of Marion — where it ended, the jury not finding a true bill against the offenders.

But the end was not yet. This was only a brief truce in the tribulations of this unfortunate couple. As we have seen, the lady was deemed an offender against another statute, and that statute made it the duty of the county commissioners to take action in the premises; hence the order noticed on another page. But, for some reason, Mrs. McGregor did not heed the threatening mandate; she was either not aware of its existence, or determined to risk the consequences of disregarding it. But another soon followed, of a more specific character, to the effect that Rose Ann McGregor should appear and give the required bonds, on or before the 29th of January, or "*be sold to the highest bidder.*" But even this failed to bring the stubborn Rose Ann to terms. The fearful penalty of non-compliance therewith, though it may have caused the culprit to tremble in anticipation, moved her not otherwise. It was, therefore, found necessary to bring into action the practical force of law, and the sheriff was armed with authority to bring Rose Ann bodily to the seat of justice. Armed with this authority, and attended by his deputy, Dr.

L. C. Conrey, the two proceeded to the residence of the McGregors. Apparently, this visitation had been expected by the wary Rose Ann; for, when the officers reached the house they found the doors barred, and their application for admittance pointedly refused. Not wishing to perpetrate any violence in the execution of their duty (and, perhaps, actuated by a sense of caution, for Rose Ann was reported to be the possessor of a gun, a good marksman, and, to quote the words of our informant, "some in a bear fight"), they resorted to a little strategical compromise, by which the besieged promised to go to town the next morning. But the officers, having no faith in this promise, retired a few rods from the house and secreted themselves behind a shock of corn fodder, to watch the movements of their intended prisoner, and seize her if a favorable opportunity presented. Presently they saw her emerge from the house, with gun in hand, and survey the premises with a cautious glance. Seeing no danger, she returned within doors, where she left the gun, and immediately reappeared, going to the woodpile for fuel. Now was the best opportunity to nab her. The two men started at their utmost speed, intending, if possible, to get between her and the house; but "the race is not always to the swift." Rose Ann soon discovered them, and so far outran them that she had time to bar the door before they reached it. Here, now, was a crisis that required prompt decision, activity, and nerve; such a thing as being out-generated by a nigger could not be thought of. Parley was out of the question; and what sort of a report should they make on returning to Knoxville without their prisoner? Their reputation was at stake, and, rather than risk it they would risk their lives. So Walters ordered the Doctor to make a battering-ram of an old sled tongue that happened to be lying near at hand, and batter in the door. The order was immediately obeyed, and, as the door swung back, Walters bounded into the room and caught the determined Rose Ann in the act of raising the hammer of her gun. The Doctor followed, and seized the weapon just in time to save his own life, for it was already aimed at him with the

evident intention of firing. Having disarmed the prisoner, she had no other choice but to surrender unconditionally. The doctor then fired off the gun, the report of which indicated a heavy charge, very probably intended for the use she attempted to make of it.

The battle now over, and the victory so fortunately won, the victors immediately set out on their return to headquarters with the prisoner. It was growing late in the evening, and some haste was necessary to reach town before dark; so, in order to make the better speed, and, perhaps, also prompted by a feeling of generosity, the Doctor mounted Rose Ann on his horse, he going before, leading the way in the narrow Indian trail that, as we have heretofore stated, was then about the only kind of road in the county.

As it happened, the sheriff had business in another direction, and accompanied them only part of the way; consequently, the deputy was left in sole charge of the prisoner. Having been so completely conquered, and afterwards so kindly treated to a means of conveyance, it was not supposed that she would become treacherous or troublesome on the way. But Rose Ann was not to be won by any such evidences of kindness, so long as she was subjected to the humiliating condition of a prisoner for no fault except race and color. She was disposed to take advantage of her captors' confidence, and she did. A short time after the sheriff left them,—the Doctor walking a few steps in advance,—Rose Ann suddenly turned about and dashed homeward on a full gallop, to the astonishment and mortification of her captor, who looked after her a moment without any decisive purpose what to do about it. But he concluded to pursue her at all events, and did so as rapidly as he was able. On the way he found his pill bags which he was then in the habit of carrying with him, being in the practice of medicine; they had bounded off in the extraordinary flight of the captive. After a mile or two of pursuit, the Doctor became weary, and turned in for the night at the residence of John Welch.

Next day Rose Ann made her appearance at court with

the required bond, duly signed by herself, with Thomas McGregor (her husband) and Amos Strickland as sureties.

Thus ended this troublesome case. One of the actors in the play (which we may properly style a farce), in relating the incidents of the capture, says that he felt quite conscientious in the performance of his duty, believing, as the great apostle did when persecuting the church, that he was doing God's service. But the persecuted pair did not remain long in the neighborhood. It was supposed by some that McGregor's interest in his ebony spouse was of a pecuniary character, and that his intention was to take her to Missouri for sale; yet, this was not apparent, in his attempt to settle with her in a free state.

CHAPTER X.

COUNTY REVENUE — WARRANTS — STATIONERY — FIRST COUNTY SEAL — BUYING THE COUNTY SEAT — BUILDING COURT HOUSES — THE FIRST COURT HOUSE — PRECINCTING THE COUNTY — ROAD DISTRICTS — FIRST JURIES — FIRST DISTRICT COURT — BOARDING HOUSES — SLEEPING IN THE COURT ROOM — A SKETCH OF JUDGE WILLIAMS.*

Isaac B. Powers, county surveyor, platted the town of Knoxville shortly after it was located.† George Gillaspv was appointed auctioneer to sell lots, and the first sale came off on the 21st of October, 1845, and the second in April, 1846. In those days, as has been heretofore stated, money was far from being plentiful; besides, the prospect of speculation in town property in that wild, open country, far away from any important outlet or means of communication, was not encouraging, so that few investments were made.

The proceeds of these sales were immediately absorbed by

*Since the above was written, we have been informed of the death of Judge Williams, near Fort Scott, Kansas, aged sixty-nine years.

†It was re-surveyed in November, 1846, by Claiborn Hall, who was then county surveyor, for the purpose of correcting some inaccuracies of the former survey.

the expenses of location, survey, and sales, and also for the erection of a court house, the need of which was now being keenly felt, as we shall further notice in due time.*

Besides the sale of these lots there was no other source of revenue till about the close of 1846, or during the winter of 1846-7, when the first taxes were collected. Previous to the organization, the county had been assessed by authority of Mahaska,† and the legislature had authorized the officers of that county to collect the taxes of this assessment after the separation, which the citizens of Marion persistently and successfully refused to pay. There was then but little real estate taxable, and when the taxes were collected at the date mentioned above, they amounted to the small sum of *three hundred dollars!*

At about this time the finances of the county were found to be in a deplorably embarrassed condition. Debts had rapidly accumulated from the date of its organization. Three elections had been held during this time, the expenses of which were paid in warrants, till these promises to pay had so far outfigured the revenue that they dwindled away to the meagre sum of thirty-seven and one-half cents to the dollar. In these the county officers were paid, if paid at all, with the slight hope that they would eventually be redeemed at their full face. The salary of officers then being nearly the same as now, there could be little to prompt aspirants for places aside from the mere honor pertaining thereto. Indeed, to such a strait had money matters come, that the officers were compelled to purchase their needed stationery on credit, at exorbitant prices, and become personally responsible for the payment of the same. The board of commissioners found it necessary to send to Oskaloosa for one quire of foolscap, a bundle

*Owing to the want of suitable offices, the county officers kept their books and performed their official work at their dwellings and boarding-houses.

† This assessment was made in the spring of 1845, as the law then directed. Green T. Clark, who had been elected county assessor, not having any official work to do, went away on business, and did not return in time to serve in the next assessment. George Gilaspy, who had previously applied for the office was then appointed by the commissioners, and assessed the county in the spring of 1846.

of quills,— steel pens had not come into use then,—and a bottle of ink; but, before they could obtain them, these officers were compelled to become personally responsible for the debt, which could not have been seriously burdensome, even at a period of financial depression. Many of these warrants were sold to shavers to pay these debts. Those who bought these warrants made a profitable investment of their money, paying thirty-seven and a half to forty cents per dollar, receiving six per centum on their full face, till the county redeemed them at par.

An official seal was also needed by the board of commissioners, and, there being no means of obtaining one specially made for the purpose, they legalized one out of the eagle side of a twenty-five cent United States silver coin. With a stick and mallet an impression could be made of the bird of liberty, which mark served as a token of the official authority of that court. The first seal of the probate court was the eagle side of a five cent coin.

The land on which the county seat was located was occupied as a claim by L. C. Conrey. There were no improvements on it, except the cabin that was required to hold it; but so soon as the location was made, Mr. C. surrendered his title gratuitously for the benefit of the county; but it necessarily yet remained the property of the government. It was supposed that enough funds could be spared from the revenue arising from the sale of lots to enter it as soon as it should be subject to entry; but such was the all-prevailing poverty of both town and county that two hundred dollars could not be raised for that purpose. At the January session in 1847, the commissioners appointed Thomas Pollock an agent to borrow the money; but, owing either to its scarcity, or the want of confidence in the financial stability of the the county, he failed to obtain it. In this emergency a Rev. Mr. Gibson came to the rescue with a land warrant, which he offered to apply on time; but, owing to some obstruction, of the nature of which the author is not informed, the warrant could not be used. At length, however, Dr. Weir, a resident of Fair-

field, where the land was subject to entry, entered it on time, and thus ended the strife, securing to Marion county, in due time, a clear title to her shire town.

By the organizing act, Marion county was added to the second judicial district, and the first term of the district court for the county was fixed for March, the following year. But the county was yet without any kind of a court house, except the cabin in which the commissioners met, described in another place. So at their session in January, 1846, that body inaugurated a movement toward the erection of a temple of justice. To this end they authorized their clerk to receive proposals for a building twenty-four by thirty feet square, two stories high, to be completed on or before the 20th of May following. The lowest bidder was Lewis M. Pearce, who proposed to do the job for four hundred and fifty dollars. His bid was accepted on the 29th of the month, and he immediately commenced the work. The heavy frame timbers had to be culled from the forest, and the lumber to be sawed, and all the materials conveyed, much of them from a distance of several miles, to the building-ground. All this labor occupied much more time and money than was stipulated in the contract, and the building was not completed till some time in autumn, and at a cost to the county of a little more than six hundred dollars.*

This comparatively temporary structure remained in use as a court house till 1858, when it was relieved from public service by the new one. Since that time it has been variously occupied; part of the time the upper story being used as a printing office, from which the "Democratic Standard" was issued, and part of the time as a private dwelling. In June, 1864, it was sold at auction by order of the board of supervi-

*Mr. Pearce's contract was only for the wood-work, and the cost of the building in excess of his bid was for plastering and finishing, which was not completed till some time in 1848. This correction was made upon information received since the above was written.

The lumber for this court house was sawed by Andrew Foster, at his mill near the mouth of English creek, nine miles from Knoxville. Mr. Pearce took the framing timber from his claim on Walnut creek, east of Athica, and about eight miles from Knoxville.

sors, and was purchased by A. B. Miller for nine hundred and twenty-eight dollars, and is still his property. It still stands where it was first erected, opposite the north-west corner of the square, and part of the lower story is at present occupied by B. F. Williams as a marble factory, and another part by Rufus Eldredge, produce dealer. The upper story is occupied by a family.

The new court house was built by Steven Woodruff, at a cost to the county of nineteen thousand dollars. It is a substantial two-story brick building, seventy by forty-eight feet, with an entry door at each end, and a hall about ten feet wide extending between each. This hall is flanked on either side by a tier of rooms appropriated to the various county offices. Two broad stairways, and a narrow one from the clerk's office, lead to the upper story or court room, a large apartment, well lighted, and furnished with seats enough to accommodate four hundred persons. This house stands in the center of a well enclosed square, and is surrounded by a fine growth of young cottonwoods.

On the 13th of March, 1846, the first district court convened. Joseph Williams, district judge, made his appearance at the time specified for holding court, but, as we have said, there was no place worthy the name of court house in which to hold it. The commissioners, however, had made such temporary preparations for the occasion as circumstances permitted. There was a hewed log house in the neighborhood, about sixteen by eighteen feet square, owned by Dr. Conrey, that offered the best if not the only prospect for a court room. This the commissioners purchased, and employed George W. Harrison to move to the west side of the square, near where Reaver's grocery now stands, and fit up for the purpose. In further preparation for this important event, jurors had to be selected. To do this in the order prescribed by law, it was necessary to district the county into voting precincts, and select from each the number of jurors in proportion to its number of electors supposed or known to be mentally qualified to perform the service of jurors. On the second day of March these

precincts were described and named as follows. For the sake of convenience we abbreviate from the original record, and also place the name before the description : —

“ *Lake Precinct.* Town 77, and all of 75 and 76, range 18, north of the Des Moines river; election at the house of Samuel Peters. *Judges* — Samuel Peters, Asa Koons, and Jacob C. Brown.”

This, it will be observed, included what is now Lake Prairie township.

“ *Red Rock.* Town 77, and all of 76, range 19, north of the river, and all of 77, range 20, east of the old Indian boundary line, and north of the river; election at Robert D. Russell’s. *Judges* — James Chestnut, Claiborn Hall, and Reuben Matthews.”

This included all of the present township of Summit, part of Polk, and about one tier of sections off the east side of Red Rock.

“ *Gopher Prairie.* All west of the old Indian boundary line and north of the river; election at Asa Hughs’s. *Judges* — Alfred Vertrice, Asa Hughs, and Joshua Lindsey.”

This included the remainder of Red Rock township, and all of Perry.

“ *Pleasant Grove.* All of Marion county, and the attached portion thereof south of the river and north and west of White Breast creek; election at Wm. Glenn’s. *Judges* — Wm. M. Young, John P. Glenn, and Wm. Glenn.”

This included the present townships of Union, Swan, and Pleasant Grove, parts of Polk, Knoxville, and Franklin, the north-west corner of Dallas, and all of Warren county lying between the above named streams.

“ *Knoxville.* Town 75, range 19, and all of 76, range 19, south of the river, and east and south of White Breast creek, and all of 75 and 76, range 20, east of the old Indian boundary line; election at the place of holding district court. *Judges* — Lawson G. Terry, Landon Burch, and Moses Long.”

This included the larger portion of Knoxville township and the south-east corner of Polk.

“English. All of the county and attached portions thereof west of the old Indian boundary line, and south and east of White Breast creek; election at Wm. Tibbet’s. *Judges*—Wm. Tibbet, Elisha B. Ryan, and Samuel Nicholson.”

This included what is now the south-west and some of the west part of Knoxville township, the larger portions of Washington and Dallas, and part of Warren county.

“Round Grove. Town 74, range 19, and all of 74, range 20, east of the old Indian boundary line; election at Alexander May’s. *Judges*—Alexander May, John T. Pierce, and Jeremiah Gullion.”

This embraced all of what is now Indiana township, and about one and a half tiers of sections off the east side of Washington.

“Cedar. Town 74, range 18, and all of 75, range, 18 south of the river; election at Jasper Koons’s. *Judges*—Joseph Clark, David T. Durham, and Francis A. Barker.”

This embraced all of Liberty township, and all of Clay except what belongs to town 76, range 18.*

These precincts continued in use until the population rendered smaller divisions necessary, when township organizations were substituted from time to time, with numerous changes, till they finally assumed the geographical phase shown by the large and beautiful map of the county, gotten up by Messrs. Sairwood and Pyle, in 1855. These township organizations will be detailed at some length, in the order of date, in another part of this book.

During the following month (April 14) the county was also divided into road districts, and a supervisor appointed for each. Several of the precincts described above were each constituted a road district, numbered as follows:—

No. 1. Town 77, range 18, and all of 76, range 18, north of

* It is apparent that this point was entirely overlooked by the commissioners and not assigned to any precinct. It is the north-west corner of Clay.

We have been particular in these descriptions, and have been aided by the help of the map, to find the localities of these precincts, and to give a correct idea of the civil geography of the county at that date. We hope the details will not be deemed too tedious to be interesting.

a line running west of the south-east corner of section 12. *Supervisor*, Samuel Peter.

No. 2. All of town 76, range 18, south of a line running west from the south-east corner of section 12, and north of the river; and all of town 75, range 18, north of the river. *Supervisor*, Wm. Welch.

No. 3. Red Rock precinct; *Supervisor*, Claiborn Hall.

No. 4. Gopher Prairie precinct; *Supervisor*, Joshua Lindsey.

No. 5. Pleasant Grove precinct; *Supervisor*, Wm. M. Young.

No. 6. Knoxville precinct; *Supervisor*, Lewis M. Pierce.

No. 7. English precinct; *Supervisor*, Wm. Tibbet.

No. 8. Round Grove precinct; *Supervisor*, David Sweem.

No. 9. All of towns 75 and 76, range 18, south of the river; *Supervisor*, John Wise.

No. 10. Town 74, range 18; *Supervisor*, Hugh Glenn.

As has already been noticed, few legally established roads then existed, and comparatively little work of the kind was required to be done, which may account for the size of the districts.

The following are the names of the grand and petit jurors impaneled for the first term of the district court, March 13th, 1846. We have taken pains to ascertain, so far as possible, who of the number still live, and who are dead, with dates and places, which we append to the list:—

GRAND JURORS.

1. Stanford Doud, *foreman*, lives in ———— county; was state senator from that county in 1866 and 1867.

2. John B. Hamilton; lives in Texas.

3. Asa Koons; died at his residence in Clay, in 1847.

4. Wilson Stanley; lives near Denver.

5. Samuel Buffington; moved to Mahaska county.

6. Ed Billops; went to California in 1849.

7. Joseph S. West; lives in Summit.

8. Osee Matthews; went to Idaho in 1867.

9. James Chestnut; died on his return from California in 18—.

10. Andrew Storts; lives in Marion township.

11. John P. Glenn; dead.

12. Conrad Walters; lives in Knoxville.

13. Alexander May; lives in Indiana township.

14. Thomas Gregory; died in Clay in 1849.

15. Benajah Williams; died in Mahaska county.

PETIT JURORS.

1. Jacob C. Brown; lives in Monroe, Jasper county.

2. Nathan Bass; died on his way to California, in 1849.

3. Granville Hendrix; unknown.

4. George Gillaspay; lives in Ottumwa.

5. Claiborn Hall; lives near Athens, Illinois.

6. Alfred Vertrice; went to California.

7. John Whitlatch; lives in Indiana township.

8. Wm. Buffington; lives in Mahaska county.

9. Wm. Glenn; dead.

10. Elijah Wilcot; dead.

11. Reuben S. Lowery; killed in Kansas by a falling tree.

12. David Sweem; died in Indiana township, in 1867.

This court convened at the time and place already mentioned, Judge Joseph Williams, presiding; also attended by the following named persons as attorneys: Edward H. Thomas, prosecuting attorney; John W. Alley, — Bissell, a young lawyer, who was afterwards engaged in mercantile business in Libertyville, Jefferson county, where he died in 1851, Thomas Baker, of Oskaloosa, — Calkin, — Gray, — Peters, Henry Temple, and E. G. Stanfield. The latter was prosecuting attorney at the second term, and is still a resident of Knoxville.

This term lasted but three days, during which all the cases on the very limited docket were disposed of, the history of which would hardly prove of sufficient interest to repay a perusal. From the brief records, however, we quote — “United States *vs.* Henry Hall.” This was the first case tried, being

one of an assault and battery, appealed from a justice of the peace. The case was dismissed, and the defendant discharged. The second case reads — “United States *vs.* F. M. Clijton; recognized to keep the peace, and discharged on paying costs, amounting to seventeen dollars and fourteen and three-quarters cents.” There was also tried an appeal from the Mahaska county district court, a civil case, in which “Edward H. Thomas *vs.* the board of commissioners of Mahasha county.” This was the same Thomas who attended as prosecuting attorney. Having sued for attorney’s fees, and, Mahaska county being a party, he could hardly expect justice from a jury of that court, and appealed his case to that of Marion, by whom he was awarded judgment for three hundred and twenty-five dollars.

As there were no jury rooms attached to the temporary building used as a court house, the jurors were compelled to make the best shift that circumstances allowed. The grand jury retired to the residence of Dr. Conrey, a small linn log cabin, that was also open as a boarding-house; whilst the petit jury held their consultations in the open air, at a convenient distance from the court house, each jury being attended by a bailiff.

As may be supposed, attendants at court were subjected to some inconveniences, consequent to the lack of boarding accommodations. Besides the boarding-house kept by Dr. Conrey, there was another place of entertainment at the south-east corner of the square, dignified with the name of tavern, kept by L. M. Pierce. L. W. Babbitt also owned a house in town to which, in due time, he made an addition for the accommodation of boarders. Yet, in these limited quarters, beds could not be supplied for all of even the smallest number required to compose a district court, which could not have been less than thirty persons, not counting plaintiffs and defendants, with their array of attorneys and witnesses. So many as could be fed at tables and lodged in comfortable beds were thus cared for, much to their satisfaction, though the fare was not epicurian to the last degree, nor even sumptuous. But,

for the surplus number, the only shift was to take what is termed in steamboat travel, steerage, or deck passage, by bringing their own beds and victuals with them; they made the court house floor their camping ground, where they could enjoy the rough fare quite independent of the restraints of hotel life as it then existed in Knoxville.

In those days men were not disposed to complain of the privations incident to frontier life. Experience had taught them to regard such as an unavoidable state of things, and gave them no choice but to accept of them as cheerfully as though there was nothing lacking. The evenings were passed with a cheerfulness and hilarity peculiar to frontier life, where there is, usually, comparative freedom from the conventional restraints of older and more fashionable society. Pecuniarily, and, consequently, socially, men were nearly upon an equality. Ignorance was no bar to the social circle, though there was then, as there always has been, and always will be, a material difference in the mental attainments of the accepted members of society. Only the morally debased received no encouragement to participate in the interchange of jest and merriment that constituted much of the entertainment of the company. Men could play pranks upon each other, fire volleys of sarcastic wit at each other, and jestingly make each other the subjects of ridicule, without causing an open rupture. Then they could change the programme to stories, anecdotes, and songs, and thus restore all equanimity of feeling that might have been lost in the rough but not offensive badinage that had been exchanged. If these social entertainments were made more or less lively by the enlivening influence of a spirit called by the Indians *skooti-appo* (fire-water, *alias* whisky), it must be remembered that popular sentiment had not yet voted the custom of indulging in the ardent a crime. Whisky could be easily obtained, was comparatively cheap, and was more generally used,* notwithstanding which, beastly drunkenness was not regarded with favor.

* Though the above statement may be mainly true, Judge Williams was heard to remark, much to the credit of those who attended the first district court, that it was the first court he had ever held where whisky had not preceded him.

Thus, these men could partake of a supper of cold corn-dodgers and meat with, perhaps, the addition of baked beans, or a tart made of some kind of wild fruit, and then, after a time spent in social confab, stretch themselves upon their straw cots on the ground floor of the little court room, and compose themselves to sleep with the happy contentedness unsurpassed, if even equalled, by that obtained from the sumptuous fare of a first-class hotel.

In the presence of Judge Williams at one or the other of the boarding-houses, these pastimes were, if possible, less irksome to the company. With an inexhaustible fund of wit, humor, and music, he was at no loss for means of amusement, and took much delight in affording it. As the Judge was a somewhat noted character, more particularly for eccentricity than for legal attainments — though, we believe, he had the reputation of being a good judge — we deem it proper to close this chapter with a brief sketch of him.

With regard to his history we know but little, either previous to the time at which we are writing, or since. At that time he was about fifty years of age, and had worn the ermine many years. In a territorial act fixing the terms of the district courts, approved January, 1839, we find his name as appointee over what was then called the second district, composed of the counties of Louisa, Muscatine, Cedar, Johnson, and Slaughter. He was a person of remarkably good conversational powers, and delighted in telling anecdotes. His musical talent was much above the average, both for vocal and instrumental. Often, after delivering a temperance lecture,* full of eloquence, and interspersed with humorous passages, he would sing a favorite song called "Little Billy Peal," with an effect seldom surpassed, calling up an applause of such hearty, boisterous delight as has seldom greeted a star actor. He was master of most musical instruments, but for drawing tunes out of that sweetest toned of all, "the fiddle and the

* Judge Williams lectured on temperance at Oskaloosa during the first session of court there, and was the first person that organized a temperance society in the frontier counties.

bow," he was particularly distinguished in this attainment. In addition to his vocal talent as a singer, he possessed that wierd, mysterious power of using his voice as a ventriloquist, and could imitate the cry of various kinds of animals so correctly that the uninitiated could not fail being deceived. He would sometimes imitate the squalling of a belligerent cat to the great alarm and mystification of the ladies, who could neither discover the brawlers nor learn from whence the noise came.

At this point we beg leave to introduce a couple of anecdotes bearing upon his notoriety as a musician:—

Many years ago, on the occasion of a convention at Iowa City, in the interest of a proposed railroad from Muscatine to that place, Judge Williams and Le Grand Byington were in violent opposition to each other upon some points of which we are not informed, nor does it matter, so far as the interest of this sketch is concerned. After the convention, a young amateur in the art of drawing produced a caricature representing Joe Williams seated astride an enormous bull playing a clarinet. The bull was on the railroad, with tail erect and head down, pawing up the dirt, and prepared to combat the further progress of a locomotive which was close upon him, upon which was Le Grand Byington as engineer, and from the whistle of which ascended the words, "Music hath charms, but cannot soothe a locomotive."

On another occasion, being that of an election of supreme judge and United States senator by the state senate, Judge Williams was before the democratic caucus for the former, and George W. Jones (sometimes called Nancy Jones, and known as a dancing master), for the latter place. Their competitors of the same party were S. C. Hastings, formerly president of the territorial council, for the judgeship, and Judge Johnson, of Lee county, for the senate. These last named gentlemen were at Iowa City just previous to the time of election, laboring earnestly with the members of the senate to secure their choice. But at the caucus, which came off during the night preceding the day of election, it was decided to elect Williams

and Jones. When this decision became known to the disappointed aspirants, Johnson and Hastings, they were greatly disgusted at the want of discrimination on the part of the caucus. With this view of the case, they regarded their own defeat as decidedly humiliating, and, under the heat of wine, retired together to condole with each other over their misfortune. Arm in arm they walked to and fro, uttering wailing complaints of the manner in which they had been treated by the party. "Johnson," said Hastings, by way of consolation to his companion, "I am aware that your case is pretty hard; but it's not half so hard as mine. You were beaten by a dancing-master and a gentleman; but I was beaten by a d——d fiddler!"

But we hardly dare to close this chapter without relating an instance of his peculiar power as a ventriloquist. It occurred during the first term of the district court at Knoxville. Most of those attending court then boarded at Babbitt's; and it so happened that one night the little boarding-house was so full that it was barely possible for all to find sleeping room. The Judge, with lawyers Knapp, Wright, and Olney, were supplied with beds in the lower story, whilst the jurors and numerous other attendants found room to stretch themselves on the loose upper floor, using blankets, coats, and whatever else they had provided for beds. When, after much ado, they had all got settled down for a nap, they were suddenly startled by the terrific squawling of what appeared to be a couple of tom-cats in mortal combat in the room. Instantly all hands were up and in search of the supposed disturbers; but no cats could be found, and the surprised boarders returned to their beds without any very satisfactory conjectures as to the whereabouts of the nocturnal brawlers. But they had hardly composed themselves again for rest, when the loud and boisterous growling and snapping of a couple of belligerent bull-dogs, apparently in their very midst, brought them all up standing. And then followed an uproar such as language could convey but an indistinct idea of — the dogs maintaining the combat with mingled growling, barking, and

whining, and the men endeavoring, with all the noise they could make, to oust them from the room. How they came to be there was a wonder, indeed; but the evidence of their presence was too unmistakable to admit of a doubt, even in the total darkness. Presently the fight ceased, and with that the general uproar abated. Then came a solution of the mystery. The Judge and lawyers could no longer restrain their merriment at the expense of the frightened and mystified lodgers up stairs, but let it come in a gush of laughter, that quickly reminded some of the company that the Judge was a ventriloquist, and had undoubtedly just played them one of his mysterious tricks. But so far from being offended at it, they took a sensible view of its ludicrousness, and all joined heartily in the laugh.

CHAPTER XI.

LIST OF COUNTY COMMISSIONERS, PROBATE JUDGES, COUNTY JUDGES, AND COUNTY SUPERVISORS.

Before closing the political history of our county, it would be proper to give a list of some of the officers who were elected subsequently to the first whose names have already been given.

It was stated that when the term of the first board of county commissioners had expired, the terms of the succeeding members were regulated by the comparative number of votes polled for each at the election by which they were chosen. As three were required to constitute the board, it was enacted that the one who received the highest number of votes at the regular election in August, 1846, should serve three years, the next highest two, and the lowest one, so that a new member would be elected yearly. After the county was divided into commissioners' districts, as has been described, a member was elected from one or another of these districts yearly, so that no district elected a commissioner oftener than once in three years, thus keeping a quorum of two experienced members constantly in office.

At the first regular election, Hugh Glenn and Samuel Tibbett were elected to fill the places of Conrad Walters and Wm. Welch, David Durham holding over another year.

August, 1847, Thomas Pollock in place of Mr. Durham.

August, 1848, Martin Neel, in place of Hugh Glenn.

August, 1849, Miles Jordan, in place of Thomas Pollock.

August, 1850, James M. Brous, in place of Samuel Tibbet.

In 1851 the commissioner system was abolished and substituted by the office of county judge, as will be further noticed after we have given a list of probate judges; as follows:—

September, 1845 (sepecial election), Francis A. Barker.

August, 1847, Claiborn Hall.

August, 1849, Thomas Collins.

August, 1850, Warren D. Everett.

In 1851 the offices of probate judge and county commissioners were abolished by an act of the legislature, and both merged into that of county judge, and the following is a list from that to the present date:—

Joseph Brobst, elected August, 1851; re-elected in 1853.

F. M. Frush, elected August, 1855; re-elected in 1857, and held the office till January 1, 1861.

Wm. B. Young, elected October 1861; re-elected October, 1863, and held the office till January, 1866.

Joseph Brobst, elected October, 1865; re-elected October, 1867, and held the office till January, 1869, when the office was repealed* and substituted by that of circuit judge.

By an act of the legislature, the office of county supervisor was created to assume the duties previously performed by the county judge. One member elected from each township constituted a board of supervisors. The first board was elected on the second Tuesday of October, 1860, and held their first session on the first Monday of January following.

* By this act Judge Brobst was appointed *ex-officio* auditor till January 1, 1870.

John B. Hamilton was then clerk of the district court, and, by virtue of this office, was also clerk of the board of supervisors.

The first business of the board was to regulate the terms of its members, so that half the number should be limited to one year, and the other half to two years; but as there were fifteen members, the odd number was placed in the list of short terms. The clerk prepared the ballots, and the members drew as follows:—

NAMES.	TOWNSHIPS.	TERMS.
Joseph Brobst,	Knoxville,	2 years.
Wm. P. Cowman,	Perry,	1 year.
D. F. Smith,	Franklin,	1 “
H. R. Clingman,	Dallas,	1 “
Wm. Blain,	Union,	2 years.
Geo. W. Martin,	Polk,	2 “
Daniel Sherwood,	Indiana,	2 “
John F. Baldwin,	Summit,	1 year.
Edwin Baker,	Red Rock,	2 years.
Joseph Clark,	Clay,	1 year.
J. B. Davis,	Liberty,	2 years.
E. F. Grafe,	Lake Prairie,	2 “
Bromfield Long,	Washington,	1 year.
J. A. Logan,	Swan,	1 “
J. Thornburg,	Pleasant Grove,	1 “

Our limits will hardly permit a full list of all the county officers who were elected and served from 1845 to the present date; nor do we deem such a list of much historical importance in a work more especially designed to record the early history of the county. Hence, we have named the incumbents of such offices as seemed to be of leading importance in the transaction of county affairs; and what relates to them or others of noteworthy interest, later than 1848, will appear in an appendix. We, therefore, proceed with the more legitimate thread of our narrative.

CHAPTER XII.

A LEGAL MISTAKE—BRIEF SKETCH OF LYSANDER W. BABBITT
—FIRST POST OFFICE AT KNOXVILLE—"LAKE PRAIRIE" P.
O.—INCONVENIENCE OF MAIL FACILITIES—A HISTORICAL
INCIDENT—SECTIONING THE LANDS—FIRST LAND ENTERED
—DES MOINES RIVER LAND—FOWLER LANDS.

At the second term of the district court, a circumstance occurred, slightly embarrassing to the few criminal prosecutions that came before it through the findings of the grand jury, which occurred in this wise: It was the business of the commissioners to select the jurors, and, after the proper number was drawn by the sheriff, it was the duty of the clerk to certify to the list. In this instance L. W. Babbitt, who, we should have stated, was appointed clerk of the district court by the judge, at the first term, instead of designating that office in his signature to the certificate of jurors, signed himself "Ex-officio Clerk of the Board of County Commissioners." This was right so far as it went, but in consequence of not adding "Clerk of the District Court," it was decided by that court that such a signature amounted to no legal signature at all; that the jurors were not legally drawn; that they were not jurors, and that their doings were null and void. So, all the indictments made out by that jury were, to use a phrase common in legal proceedings, quashed. It is, however, due to Mr. B. to state that the error was not intentional. Owing to the fact that no attempt was made to secure new indictments, it is safe to judge that the cases were of no vital importance.

As the career of Mr. Babbitt, connected with the early history of Marion county, may appear somewhat conspicuous, and as his name may not be mentioned in any future part of this work, we here take occasion to give what little we know relative to his history.*

* We wrote to Mr. B. for information on this point, but failing to obtain an answer, we are dependent upon other sources for these meagre and, perhaps, inaccurate accounts.

He was born in the state of New York about 1810, came to Iowa at an early day, and was a citizen of Burlington in 1840, where he worked at the business of gunsmith, and also held some office. In 1842 he, with two others, went to the head waters of the Des Moines river on a trapping expedition, where they remained during the winter. On their return in the spring, as they were descending the river in a canoe, they were robbed of most of their furs by the Indians. On the first of May, 1843, they landed at what is now Coalport, where Babbitt remained long enough to take a claim, embracing the present site of the village and the bluffs below it, containing inexhaustible beds of coal.

Having secured his claim, Mr. B. repaired to Burlington for his wife, and was surprised to find her in mourning for him, and preparing to sell his property, with the view of returning to her former home. The report had reached her some time previously that he had been murdered by the Indians, and his failing to return within a reasonable time seemed to confirm this report beyond a doubt. He concluded, however, not to stop the sale of the property, but took the matter into his own hands, and soon after moved to his claim. Here he fitted up a temporary shop where he employed himself in repairing guns, sharpening plow-shears, and doing other jobs in the smith trade, till he was called to the clerkships already mentioned.

He is described as a person of small stature, active movements, prepossessing manners, quick apprehension, and retentive memory. He was, evidently, ambitious of political promotion, for which his energy and talents fitted him, and carried him, to some extent. During his official term at Knoxville he began the study of law, and so far mastered the rudiments of that profession, that he was admitted to the bar in 1847. In 1846 he was appointed the first postmaster at Knoxville, and his commission authorized him to give out a contract for carrying the mail to Oskaloosa and back once a week,*

* David Durham took this contract, extending from July 1st, 1846, to July 1st, 1850,—four years. He commenced in June, and made two trips during that month gratuitously, as the department did not commence paying till July.

but it was not till some time in June of that year that the first mail arrived, and the office was opened at Babbitt's house. He held the office till 1849, when he was succeeded by James M. Walters. In 1853 he left the county,* and is at present editor of the *Council Bluffs Bugle*, which instrument he blows vigorously in the interests of his party. Since his residence there he has, several times, represented Pottawatomie county in the state legislature.

Some time previous to the establishment of a post office at Knoxville, one had been established on Lake Prairie, and called by that name. Augustus Blair received a commission as postmaster here, but, failing to qualify, David T. Durham circulated a petition asking for the appointment of Wm. Stanley. This was after the establishment of the post route between Oskaloosa and Knoxville, passing this office. In due time Mr. S. received his commission, and retained it till he sold to the Hollanders and moved to Red Rock, in 1847, when A. B. Miller took charge of the office till it was moved to Pella, during the winter of 1847-8.

In relation to offices established in other parts of the county, see history of the townships.

Previous to the establishment of these offices, mail facilities were so inconvenient that the people of Marion county were comparatively isolated from the rest of the world. The nearest post office was at Oskaloosa, a distance of from fifteen to thirty miles, which precluded all thought of regular or frequent correspondence by mail. Only the most urgent necessity induced a settler to suffer the delay and expense of going to and returning from the post office, though the difficulty was sometimes slightly obviated by the chance of sending by persons passing and re-passing to mill, or on some other business. Otherwise, no matter how desirous the recent immigrant might be to soften the loneliness of his condition in a wilderness so remote from the friends and scenes of his nativity, to hear from them at regular intervals, even once a month, the

* He received the appointment of register of land office at Council Bluffs, under President Pierce.

distance to the post office was found to be nearly, if not quite, an insurmountable obstacle thereto. Therefore, the establishment of means of regular mail communication within the county was regarded as next in importance to that of convenient milling privileges. It was like opening a prison door temporarily closed against intercourse with the outside world; and, after being so deprived, no people had better cause to appreciate this one great blessing of a civil government.

At the convention which came off at Iowa City in 1846, on the occasion of the formation of the first state constitution, preparatory to our admission into the Union as a state, John Conrey, of Knoxville, was our chosen delegate, representing, besides Marion, the counties of Jasper, Iowa, Poweshiek, Warren, Polk, and all the territory attached to them within the bounds of the purchase. No convention had been held for the purpose of nominating candidates to be elected to this office, but they were chosen by the common consent of the leading members of the opposing parties. Rev. James L. Warren, also of Marion, was chosen by the whigs. During the canvass, I. C. Curtis, also a whig at that time, not seeming favorably disposed towards the choice of his party, announced himself as a candidate, and succeeded in obtaining a few votes, by which Warren was defeated, Conrey being elected by a majority of about ten. After this, Curtis became identified with the democratic party. We record this as a historical incident that it seems hardly proper to omit, and not intending it to be prejudicial to the reputation of Mr. Curtis, who is now a citizen of a distant state.

We now proceed to a brief record of the sectionizing and sale of the public lands in the county. We regret that our information on these subjects is comparatively limited, for we would take pleasure in giving the amount surveyed from time to time, and the amount entered the first year after the sales commenced. The county was sectionized by ranges. Range 18, and the north half of 19, was sectionized during the winter of 1846-7, and the remainder of the county at different dates. The south half of the county was assigned to the Fair-

field land district, and the north half to that of Iowa City. The first land offered for sale was that first surveyed and the first entered in this tract, and, consequently, the first in the county was section 29, town 74 (Liberty township), range 18, by Josiah Brobst, in May, 1847. The claimants were not generally prepared to enter their lands as fast as they came into market, and it was not till some time in 1848 that any considerable amount was taken up; and it was at this critical period that the greatest antagonism existed between the claimants and buyers, some accounts of which have been given. But soon after these troubles subsided, and the fertility of the soil and the beauty of the country became known to some extent, and local conveniences were established, population poured in, and the lands were rapidly taken up. But the greatest increase of population by immigration was between the years 1850 and 1855, after which little choice land remained in possession of the government. In 1860 there was none.

At the present time, some small tracts contiguous to the Des Moines river are owned by the state, being remnants of what was donated by the government to be expended in improving the navigation of that stream. A brief history of this ill-fated enterprise may not be out of place here:—

By an act of congress, dated August 8th, 1846, every alternate section of the public lands on each side of the Des Moines river, within five miles of it (except the sixteen of any township coming within the tract), was granted to the state for the purpose above stated. This grant was all made within the bounds of the new purchase, and extended west as far as Fort Des Moines, which was deemed to be at the head of navigation.

A survey of this river had been made by Samuel R. Curtis and others, and slack-water navigation by dams and locks, on the principle of those used in canals, was thought practicable to facilitate the floating of steamboats when otherwise the water would be too shallow for that purpose during the dry season; and the enterprise was not only regarded practicable,

but profitable as a means of commerce in reaching the productions of the Des Moines valley, whose fertility betokened an abundance in due time, and, also, of reaching the coal that was known to exist in the banks and in the vicinity of that stream, and the beautiful red building-stone near Red Rock.

In the winter of 1846-7 the legislature took charge of the grant, and fixed the minimum price of the lands at two dollars per acre, except what was already pre-empted, and made so much of it as was included in Marion county subject to pre-emption in the spring of 1848, which was some time previous to that fixed for public sale. But this law not meeting with general approval, or failing to effect its desired purpose, was repealed at the next session (1848-9), and the price reduced to its original standard.

In 1848 the first board of public works was elected, consisting of a president, secretary and treasurer, who had the superintendence of the proposed undertaking. The members of the board were: Hugh W. Sample, president; Charles Corkery, secretary; and Paul Bratten, treasurer. They appointed Col. Samuel R. Curtis, engineer, who made a survey of the river, and located points for the several dams. During the year following a new board was elected, consisting of Col. Wm. Patterson, president, Col. Jesse Williams, secretary, and George Gillaspy, treasurer; and they appointed Guy Wells, of Keokuk, engineer, in 1850. In 1851-2 the legislature repealed the act enabling the election of a board, and authorized the governor to appoint a commissioner and register instead. In accordance with this law, Gen. V. P. Van Antwerp was appointed commissioner, and George Gillaspy, register; but Mr. G. declined serving, and Paul C. Jeffries was appointed. In 1853-4 these officers were made elective by the people, and Josiah H. Banny was elected commissioner, and George Gillaspy, register. Two years later, Edwin Manning was elected commissioner, and Wm. Drake, register; and at the close of their term, the whole thing was turned over to the care and keeping of a New York company. But, as the enterprise was finally abandoned, after much of the grant had been squan-

dered in the pretended erection of locks and dams at various points, what remained went back to the state, and was appropriated to the building of a portion of the Des Moines Valley Railroad. Only one dam was located in Marion county, at Rousseau, where a large quantity of rock was blasted in preparation for its erection; and the excavation in the cliff, on the south side of the river, and the loose boulders thrown from it, will long remain a mark of a project wild enough in its conception, but better calculated to put money into the pockets of certain individuals.

From the first, many settlers had little confidence in the enterprise; and, as the lands appropriated were mostly timbered, and without any resident agents to look after them, the timber was, in numerous instances, freely used for fencing and building purposes, thus more directly serving the purpose that nature originally designed it for. Little, if any of these lands now remain unclaimed by individuals.

One or two instances of extensive land monopolies seem worthy of mention in this connection.

At an early day, William D. Ewing entered several thousand acres of land in the state, a portion of which was located in this county, principally on the dividing ridge between Des Moines and Skunk rivers. Some of this is now occupied by his immediate heirs.

Another was that of the Fowler heirs (some thirty-six in number). It was, for some time, a subject of litigation in court, and was finally settled in 1866 or 1867. We quote a brief history of the case from the *Iowa Voter*, of December 10, 1868:—

“About the close of the war with Mexico, one Joseph Fowler, of New Orleans, bought one hundred and seventy-five land warrants, or claims for warrants, for very small sums, from our soldiers as they were on their way home. The entries under these warrants were made by Samuel Fowler, of Missouri, in trust for Joseph Fowler, about the 29th of December, 1848; and the lands lie in Marion, Monroe, and Lucas counties. It seems that Mr. Fowler was

among the first to enter in this region, and had his choice. He selected mostly timbered land, and got it as nearly in a body as might be. The lands so entered in this county are in Washington and Indiana townships. These one hundred and seventy-five quarter-sections made a very considerable monopoly, and retarded the settlement of the country very much. After the entries were made, Joseph Fowler died; and Samuel Fowler deeded the land to his heirs, of whom there are many. We believe there has been some dispute connected with transfers of these lands, on account of an apparent or supposed dower interest of Mrs. Fowler in them. The timber lands have been robbed considerably by settlers around them, who found no opportunity for purchasing. The greater portion of the Fowler land in this county has now been sold to settlers."

Since the above account was published, we have been informed that the object of Joseph Fowler in entering this large tract was purely, or in part, benevolent. Having a large number of poor relations living in Maryland, he conceived and adopted this plan to secure them homes in the west, where they might have a chance to better their circumstances. At the time of his death he was on his way, by sea, to gather them up to transfer them to their new homes.

THE MYSTERIOUS GRAVE.

BY ELIPHALET PRICE.

There is a high, bald, mountainous promontory, situated immediately at the junction of the Volga and Turkey rivers, whose summit is crowned with a solitary grave, which, at an earlier period of time was visited annually by a venerable Indian of the Sauk nation, who, after carefully removing the

vegetation that grew upon its surface, and, depositing his presents to the dead, would quietly depart for his tribe, far away towards the waters of the Missouri.

It was in the summer of 1835, that, in one of my hunting rambles, I was decoyed to the summit of this hill by an animal which, at a distance, had the appearance of a bear, but, upon gaining the height, the game had disappeared.

As I stood gazing upon the wild, romantic scenery that stretched far away beneath my feet, reposing in solitude, and wrapt in the gorgeous mantle of verdant nature, I was started by the barking of a dog. Turning in the direction of the noise, I discovered an Indian a short distance from me, sitting in a stooping posture, removing the grass and vegetation from one of those little mounds or hillocks that usually cover the remains of the sepulchered red man. I approached near to him and stood leaning upon my rifle, contemplating the various ceremonial rites that reverence, and the superstitions of nations have prompted over the mouldering remains of the dead, as a demonstration of their love, affection, and regard for the departed friend. And I said to myself, "in this respect, Indian, you are worthy to be ranked with the more enlightened Roman, Athenian, or Egyptian." He seemed not to observe me, but busied himself in digging up with his knife the grass that grew upon the surface of the mound, throwing it aside, and beating the ground with a small paddle, seemingly, in order to give it a hard, smooth, and even surface. His long white locks, that hung promiscuously around his visage, as he bent forward in the performance of his solemn task, almost hid from my view the time-worn furrows on his withered cheek; but as they waned in the wind, I could occasionally discover a tear sparkling along the dusky channels, starting, then pouring, and starting again, as though reluctant to quit that fount which had become almost extinguished by the drouth of time. At length, being satisfied that he had performed his annual service to the dead, he arose to his feet, and, placing his hand over his eyes as a shade, he viewed the solar orb for a mo-

ment, seemingly to ascertain how far it had progressed in its diurnal revolution; then, adjusting his blanket robe about his person, he tottered away, bending under the weighty burden of time. He had gone but a few yards, when, observing that his dog was asleep, he turned back, and called loudly but mildly to him; for he, too, like his master, was old, and had lost his hearing. "Come, Shun-ga-rah, come," said he, "there is danger here; the camp-fires of our enemies are blazing away upon the graves of my people"—evidently referring to the Winnebagoes,—who had just commenced crossing the Mississippi, to poach upon the newly-acquired lands of the government. The dog aroused at the summons of his master, when I observed, "Indian, who is it that sleeps beneath this mound, that has awakened in your breast these rites of hospitality?"

He paused for a moment, his eyes intently upon the ground, apparently giving attention to my remark; then, starting from his reverie, he advanced towards me, while a smile of mingled joy and sorrow seemed to diffuse itself over the wavy furrows in his wrinkled cheek, as he proceeded to excavate the earth at the eastern extremity of the mound. In a few minutes he brought forth a scroll of aspen bark, the ends of which were enclosed with a beautifully embroidered skin of the martin, from which dangled a braid of beads, tasseled with the tusks of the panther. Removing the embroidered skin at one end, he drew forth a plain, brown, German flute, and desired me to play on it. I received the instrument, while my curiosity was excited to the highest degree, to know for what purpose he had deposited it there, and to whom it had originally belonged. While brooding over the melancholy reflections that it awakened, I placed the instrument to my mouth, and, in my humble way, blew one of the beautiful airs of Erin, then paused to listen to its echoing sound, as it leaped from crag to crag, and hushed its softer murmurs in the far-receding distance. My attention was now arrested by the Indian, who was rolling upon the ground, singing, crying, and laughing alternately, and beating the earth with his hand, and repeating the words, "Your brother, my brother."

At length, composing himself, I sat down by him upon the grass, when he related the following story:—

“Very many years,” said he, “when I was a very young man, our warriors went into the Sioux country and returned with many scalps. A great feast was ordered, and I, with many others, was dispatched to kill game for the occasion. I had been unsuccessful the first day, and was returning to my wigwam, following the windings of yonder stream, that takes its course along that forest-covered valley (pointing to what is now known as Elk creek), when I heard a splashing in the water. Creeping carefully to the bank of the stream, I was surprised at beholding a white man, sitting upon a stone washing the blood from his face and arms. I had seen but one white man before, which was more than many of my people had seen. He soon discovered me, and beckoned that I should come to him. I approached him cautiously at first, when, by signs, he gave me to understand that he had been wounded by a bear, and could not walk. He was a young man, about my age, and I carried him upon my back to our village, which was situated just yonder (pointing to the prairie now occupied by the farm of Col. Wayman). Our chiefs welcomed him, and our medicine men soon healed his wounds, while he became a great favorite with all our people. We were friends and companions—I taught him to hunt and fish—but he was melancholy and sick at heart, and would often wander away by himself, and remain all day sitting upon some elevated piece of ground, blowing upon his flute the tune you blew, or singing and crying. Often at night, when our people were hushed in sleep, he would steal away from my wigwam and clamber to the top of this hill, and break the stillness of the night with the voice of his flute. The wolves would howl from the neighboring hills, and the shrill scream of the treacherous panther would start the slumbering Indian from his bear skin. At length, our prophet said it would bring evil upon our people, and our chiefs forbid him going again. He grew more sad and melancholy after this, and our medicine-men said that he would die. Gradually, he sick-

ened, and refused to eat. I watched by him many nights, for I had found him, and called him my brother. When he could no longer speak, he marked upon a piece of bark that, which means something in your language, and gave it to me, together with this flute. He died, and I buried him here. I have shown the bark to many white men since—they would look at it, laugh, and give it to me back again. I could not learn what it said; so, when I grew old, and the white man had bought our lands, I buried it here with his flute.”

“Where is the bark?” said I, eagerly; “let me see it.”

He drew from the scroll a small piece of birch-bark, upon which had been written, evidently with a lead pencil, though much obliterated by handling, the following words: “Erin, an exile bequeaths thee his blessing!”

I translated it into the language of the old Indian, when a smile of satisfaction beamed upon his countenance as he shook me by the hand, and he arose to depart, taking with him the scroll and its contents.

“Come, Shun-ga-rah, come,” said he, “you have seen many moons—Shun-ga-rah, you will never come again, but I will come once more.”

Many years have elapsed since then, but the old man has never returned. The rains have nearly levelled the little mound, while the trembling aspen and the wild-briar grow luxuriantly over the Mysterious Grave.

HISTORY OF LOUISA COUNTY.

BY WILLIAM L. TOOLE.

The readers of the following continued sketches, or history of Louisa county, are requested to read the former article relating thereto,* to keep up the connection, and therein find what may appear in this an omission or imperfectness in his-

* Sketches and Incidents relating to the settlement of Louisa County, page 45, Vol. VI., January, 1868.

tory; and, in this article as in the former, briefness will be adopted, repetition avoided, and recital of all scenes and incidents of early times in the county omitted that would be uninteresting to readers in other counties.

The promise in the other article to continue and complete the same, was based upon the belief that persons in other parts of the county, more competent, would freely assist in completing said sketches; but, after repeated effort to secure that aid, and repeated failures, I come to the conclusion that those persons are fearful that their aid would not be appropriate or useful in said history, and decline giving it. Therefore, to fulfill said promise, I undertake, unaided, to continue and complete said sketches or history of early times in our county, and hope all imperfectness will be overlooked.

The former sketches were mostly confined to the south-east part of the county; this will embrace the whole county in its generalities. Having Des Moines, Henry, Washington, and Muscatine for its adjoining counties, and possessing a soil unexcelled or exceeded in fertility or productiveness, none where nature has been more liberal in its gifts, and none producing a stronger claim as the granary and treasury of Iowa. Its early settlers being mostly farmers, its commercial interests were neglected; but an improvement therein is plainly showing itself, and Louisa county will soon become one of the most enterprising counties of the state.

The north-west part of Louisa county was not occupied or settled upon as soon as the south-east. Mr. Rice was among the first to bring that part into notice, succeeded by Mr. Mortimore, and he by Judge Springer, Mr. Gamble, Mr. Colton, and others. Columbus City, referred to in the other article, is in that part of the county. The south-west part of the county was earlier settled upon and occupied. Among the first there, was J. W. and E. B. Isett, George Keyes, J. Marshall, and others; these had Virginia Grove for their business point, the post office, stores, and shops. The south-east and north-east portions were referred to in former article.

With the Mississippi for its front, and the Iowa river run-

ning diagonally through it, thus giving it a good share of bottom prairie land and bottom timber land, and well supplied with timber along the small streams, and groves in the prairies, our county, at an early day, attracted the attention of stock raisers, who, with other early settlers, soon began to turn into market their horses, cattle, and hogs. It also soon became a grain-producing county, with its surplus finding a market in St. Louis; and, like its adjoining counties, soon began to show that, with its abundant supply of bottom timber and prairie, and adaptedness for stock-raising and all kinds of grain, was also well adapted to the raising of all kinds of fruits and vegetables, in quantities and quality equal to any in the state. In fact, the eagerness with which the first settlers took hold of all the more desirable locations, and of the Indian reserve on the Iowa river, referred to in former article,—a strip of land ten miles in width and about forty miles in length, embracing Keokuk and Black Hawk villages, near mouth of Iowa river; also, Wapello village, where our county seat now is, Kishkosh village, where Fredonia is, and Poweshiek village, near where is now Iowa City;—I say, the eagerness shown in taking possession of these locations two or three years before the government surveys of this district, is sufficient evidence of its adaptedness for agricultural purposes, and the wisdom of their choice or selection of location for a home in Iowa is more and more developed as time progresses, and the present prosperous and healthy condition of affairs therein, shows plainly that those pioneers were not mistaken in their opinion of the same, and have reaped the benefit thereof.

Connection of events requiring it, I must be excused for a little digression in turning to matters referring to myself. Very little of the district now composing this county was occupied in 1835. An estimable citizen, Levi Thornton, who became a member of the legislature, resided in the north-east part of it, and, on a visit to him, extended my rambling up the Mississippi to the remaining shanties of an old, abandoned Indian trading post, which, in 1836, became occupied by Mr. Vanatta and Mr. Casey, who put up two or three log cabins

there, and did a little trading with the remaining Indians and the new immigrants, which gave, as a name to the location, "Casey Landing," and, in 1837, other persons located there, and Casey Landing, beginning to attract attention, a town was laid off with the name of Bloomington, which, in a few years, was changed to Muscatine, a corruption of the Indian name Musquaqueen, the Indian name of the large island below, a large part of which is in Louisa county. It was while on this footing from Mr. Thornton's to this Indian trading shanty that I had my adventure with some ten or twelve young drunken Musquawkee Indian warriors on their ponies, who met me near there, and dismounted and surrounded me, I suppose, partly for the purpose of trying my courage, or to be amused at my fears. Their hand-shaking and crowding around me ceased to be interesting to me, and I feared would end seriously; but, fortunately for me, one of them, apparently having authority, recognized in me one who had rendered him a slight favor, and who, much to my relief, at once ordered all away from me and put in a lengthy excuse for them, that they had been indulging too freely in Illinois whiskey. The most amusing part was, that he showed evidence of having indulged quite as freely as the rest; however, they all obeyed him in his orders to approach and apologize for their rudeness, and give a friendly shake of the hand. They then re-mounted their ponies, gave a friendly bow, and then, with an Indian whoop, went on their way for the villages of Musquawkees. These Musquawkee Indians were of the Black Hawk tribe, the remnant of which were located in western Kansas, there to become extinct as a tribe or nation.

I also extended my rambling then to mouth of Cedar river, and there, also, found the abandoned remains of log shanties, or old Indian trading place, and Kishkakosh village. An estimable citizen, Mr. George Storm, was the first to locate a claim near there, and, in 1836, the Clark family located there, and soon after started the town of Fredonia.

A peep into old dockets of justices of the peace hereabouts will show that in the days of squatterism they had an eye to

law. Among the cases is,—Shuck *versus* Denison, and Denison *versus* Shuck; Ruffner *versus* Shuck, and Shuck *versus* Ruffner; Roarer attorney for Shuck, whether plaintiff or defendant. And in the district court of early days these same parties litigated, Roarer always appearing for Shuck. And so it is shown they had a Roarer in those days, and one who proposed new rules and orders in justices' courts,—muscular force instead of slow progress, and wives, sons, or relatives for deputies, &c. They had attorneys Grimes, Thomas, Starr, and others in those days, who were not confined to one family in their practice, but for, or against, as might suit the parties to engage them. Many amusing scenes could be narrated of trials before justices in those days, showing the independence or stubbornness of litigants, but we will let it be buried with them.

In my first article I gave the names of some of our early pioneers, and names of some of the early towns of our county; in connection therewith, I will here state that the first ferry established across the Iowa river was Mitchell's ferry, now Toolsboro, and the first ferrying from there to Upper Yellow Bank, Illinois (now New Boston), was in Indian canoes; soon after in a small flat-boat, then by horse-boat, from New Boston, Illinois, then a small, steam ferry-boat, and now the steamer Lansing. The next ferries established across the Iowa were at Wapello, by Mr. Milligan and Mr. Brewer, and at Fredonia, by Mr. Clark.

While on the subject of ferries I will again digress a little, so show the troubles and trials in traveling in those early days, and refer to some trouble and trials of Judge Charles Mason and F. Gehon (Marshal). In those early days Indian trails were the thoroughfares, and, if not on foot, Indian ponies instead of iron horses for conveyance; and, instead of carpet-bags, saddle-bags were used for baggage. Early in the spring of 1837, Judge Mason and Marshal Gehon started out on their ponies from Dubuque for Burlington. A previous knowledge of the route by the Marshal was of particular worth to the journeyists in the crossing of larger and smaller streams, par-

ticularly the Wapsie; the different watering places and places of mixed waters would be reached, although sometimes behind time, for the corn bread and bacon, owing to pelting snows, unsafe crossing of streams on the ice, and slippery roads, and, of course, while waiting for the bread and bacon in the shanties of fur traders, and, being much fatigued, would have to revive their fatigued bodies before partaking of the solid food, and, if coffee was scarce, would use the common reviver. But, to their credit, their ponies were always first properly attended to before their own comforts were sought for. At last, after repeated troubles, and trials, and difficulties, in slippery places, so common in early March, they arrived at the Iowa river; it had just taken a rise of several feet, and the ice still thereon, and presented a difficulty not to be easily overcome, for Mitchell's ferry-boat could not be used; and the ice appearing too weak for crossing the ponies thereon, the only apparent course to adopt appeared to be to leave the ponies with ferryman Mitchell and perform the balance of their journey on foot, with saddle-bags on their backs instead of the ponies' backs. But, after a search by myself and one or two others for a crossing place for the ponies, one was found that, with proper care and caution, and our assistance, the ponies were led across on the ice safely, and the Judge and Marshal, after thanking us for aiding them in overcoming this apparently insurmountable difficulty, and, after being refreshed at the cabin of friend Creighton, went on their way cheerfully, and reached Burlington safely, where our account of their difficult journey ends, and their rejoicing and reinvigorating was left for them to report.

Being partly in connection, I will refer to my former article for origin of names of locations and rivers, particularly of origin of proper name of the Mississippi and Missouri rivers; viz: Masso-sepo (Big river), and Masso-reah-sepo (Big Yellow river), and Nec-a-tosh (Cedar river).

Louisa county, like other counties was first occupied by a population who considered all unclaimed public land theirs by occupancy, until public land sales, and all that was needed

was to find such a tract and occupy it, and find protection under the claim law. The territory of Iowa, at an early day, passed laws favoring such occupancy, and protecting the claimant until such public land sales, the same as if he had a right from the government, provided said claim did not exceed a half section, and the boundaries plainly shown by stakes in prairie, and tree marks in the timber, and had made the improvements thereon required by the so-called claim laws of that district. Contentions in regard to those claims and boundaries of claims were of frequent occurrence, but usually decided by the neighbors. These claim laws were strictly adhered to, and no one allowed to interfere with the claim of another, and all were united against land speculation at the public land sales, previous to which all disputes would be settled through a jury or committee chosen from among themselves, and strictly adhered to; with such an advantage, and the pre-emption law, they would go to the sales sure of securing their homes. Those claims would be regularly registered by a person selected for that purpose, and at the sale, he being well posted, would be the bidder for that district, and the owners of the claims, in a body, stand ready to oppose any opposing bid, and woe to the person who would undertake to bid against him; thus these sales would usually pass off quietly and satisfactorily. I was the register and bidder for this district.

As stated in former article, our county has no large or commercial metropolis; and, not that it would be interesting, but in connection with its early history, will here state that in its early days it had a full share of speculative or prospective cities, in the eyes of the proprietors, that are now dead or extinct towns, and embraced in boundaries of cornfields; viz: Beginning at mouth of Iowa river, it had, first, Cuba City, next, Sterling, Tecumseh, Yellow Bank, Iowa Town, Florence, Harrison, Pittsburgh, and Catteese, all on the Iowa river. Those of the now living and more promising towns are named in a former article, among which is Wapello, the county seat, and bids fair to become the emporium and commercial point of the

county; it certainly will, when our western railroad passes through it. It had its troubles, trials, and difficulties in its early days, having then three divisions claiming the ascendancy; viz: Upper, Lower, and Middle Wapello, the proprietors of each division striving for the county buildings; Mr. Rinearson, Mr. Gilliland, Mr. Isett, Mr. Minton, and Mr. Ives among the contending parties. Middle Wapello was finally successful, and the county commissioners decided upon having the court house therein. The three towns finally united into one. It had its troubles also regarding the ferry, which was first at Lower, and then at Upper, but finally, permanently established at Middle Wapello.

In providing for the organization of counties, the first legislature enacted that three commissioners should attend to all county matters and county business, one to be elected annually, after the first election of three. The first three elected for our county were Wright Williams, Wm. L. Toole, and J. W. Isett; John Gilliland was elected clerk, and Jacob Rinearson, recorder. This was in the early days of Judge Joseph Williams, and when the shade of an elm tree and river bank was the jurors' rooms, a small log cabin the court room, and a big box the clerk's and attorneys' table; and when, at Minton's tavern of one story, twenty by thirty feet, and a small kitchen adjoining, was the only public room in town, and in which would congregate judge, sheriff, clerk, jurors, belligerents, and witnesses; and in the room where Judge Williams so successfully exercised his skill in ventriloquism, by imitating the noise of prairie wolves near the house, and thus drawing the crowd from the only stove in the house, and he and those friends, in the secret, taking possession of the stove while the crowd were hunting the wolves. The Judge had some celebrity in those days in jokes of this kind, none more amusing than of the two self-admired, conceited lawyers searching their rooms for a crying infant; and of the two young ladies hunting among their surplus trail dresses for the little lap-dog thereunder barking. The Judge made it all quiet at the right time in each case.

And in connection with these early occurrences in which I took a part, by referring to records of our first legislature of territory and state, political conventions, and asking Congress for a state government, name thereof, &c., and first convention for framing constitution for Iowa, and many other conventions, my name will be found. In those days I had vigor, strength, and health, but now nearly seventy, and for a number of years entirely withdrawn from my former business, merchandising and general trading, I leave those busy matters in the hands of those at present more competent; and will be pleased if some one more competent will review, revise, and perfect these sketches.

As before stated, the first occupancy of our county was in the south-east part, and by those persons then named; then that part around the forks or junction of Iowa and Cedar rivers attracted the attention of early settlers in 1836, among whom was Mr. George Storm and family, and Mr. A. Clark and family, and two brothers. Mr. Clark settled upon the tract at said river junction, and started the town of Fredonia in 1837, permitting himself to be flattered with the idea that his town would become an emporium; but a stronger company opposed his hopes, by beginning the town of Catteese, on the point of land between the Iowa and Cedar rivers, opposite his town, and, with great display and show through large hand-bills, had a fixed day for public sale of lots in Catteese, at which the Catteese company became the prominent bidders, and afterwards made some show in putting up buildings, having a tavern started, a store, blacksmith shop, &c., &c., and inducing settlers to buy and locate and improve lots by aiding them, and in selling them goods on a long credit. The Fredonians, in the meantime, making extraordinary efforts to keep their town ahead, and the two towns struggled and strove and worked against each other, until their end was like the Kilkenny cats. Catteese proving a complete failure and abandoned; and Fredonia remaining unnoticed for several years, and until it was selected as the crossing place of a railroad, which revived it up again into a lively business town, with the

prospect of so continuing ; the junction of said railroads near it still adding to its prospects and notice of the business public. Situated in the center of a district unsurpassed in richness of soil, and productiveness of all kinds of grain, fruits, and vegetables, and for raising stock, and a district wherein industry and thrift strongly predominate, Fredonia, with proper management of its present citizens, may become, as before said, the business center of that part of our county. Wapello became the emporium or main commercial center, and Toolsboro strove to become the business point of the south-east part thereof.

Louisa county was in the first purchase of land in Iowa from the Indians, known as the Black Hawk purchase, and so called or known until organized into Iowa territory ; thus it is shown that our county can claim an important connection with the early history of the state. In those early days stone coal was discovered in two or three ravines near the mouth of Iowa river, but not in quantities sufficient to encourage a thorough search for it ; but it may yet engage the attention and thorough searching of some one who may find coal in quantities sufficient to make it profitable.

As I have aimed to be brief, and avoid being tiresome, I shall omit accounts relating to our first schools, first churches, first sermons preached, names of preachers, teachers, merchants, and jurors, and may omit some matter and occurrences, and give imperfect sketches of some parts of our county, but the subject can be continued by those discovering these faults and corrected, they first giving a thorough examination to first article.

Louisa county, like some other counties of the state, has unmistakable evidences of antediluvian occupancy, through the ancient mounds and fort at Toolsboro, a particular description of which is given in my other article. These, and similar evidences are on the most elligible points, and extensive tracts of fertile lands, and where the traces of a numerous population are usually found, and of a people having a knowledge of the arts and sciences, as they have left us perfect specimens of circles, squares, octagons, and parallels, on a grand and no-

ble scale. These and other evidences strongly establishing their antediluvian origin; none more strongly than the innumerable mounds, the sepulchres of antediluvians, presenting the sublimest monuments which any people could raise over the bodies of their departed friends, and calculated to continue while the world itself shall continue, unless destroyed by the sacriligious hand of man. The most able and pious writers differ in their conclusions relative to these matters, and should any writer contend that the continent of America is the old world, instead of as it is usually called, the new world, and that it is the land of origin of the human race, and had its millions of millions of the human family before the flood, and encourage the belief that from the time the flood bore up the ark, and was carried from this continent by the winds while the deluge lasted, and all written records and traces of these countless millions nothing is left but these antediluvian works, there would be no harm in such teaching. Certainly, and seriously, there is no part of the world where there is such scope and such material for observation as ours to strengthen these teachings, and to encourage the enquiries which of the quarters of the world were first peopled by the people of our land in antediluvian times, and what was their knowledge of arts and sciences, and of their religious and political observances and institutions; these are, indeed, worthy the investigation of all teachers, all historiographers, and all searchers into antediluvian matters. This subject has had the attention of many able searchers of antiquities, and is deserving the close attention and searchings of all able and learned antiquarians.

Antediluvian evidences of various kinds are found in buried cities, in works of art, tools, and utensils, &c., buried at a great depth, evidently by alluvion of the flood, strongly showing that our continent was occupied by millions of millions previous to the great deluge. Discoveries have been made and are continuing to be made all over our continent strengthening this position, say, from the lakes of North America, through the valley of the Mississippi, and through Mexico, to the isthmus of Darien, then from the bay of Maracaibo, through

the valley of Amazon, to the Andes valley of Patagonia. By whom and when were these erected, are questions on which the learned and profound antiquarian should ponder; and, in absence of deluge-destroyed written records and history, find evidence of antediluvian history through these silent works of art of those untold ages. And who can say that the discoveries on the Nile, and of Ninevah, Babylon, and Thebes, are more ancient than those of Uxmel, Patagonia, Cholula, and valley of the Mississippi? And who can say that on this continent there have not been cities counting their millions? The immense ruins of pyramids, palaces, and temples are silent and lasting evidences and memorials of ancient greatness, of skill, of human art, although all written evidences were destroyed by the flood. And who can say that these evidences are not sufficient to denote ours the old instead of the new world?

And let those who believe that there were different races of men, reflect on those facts of the similarity of those ancient works all over the world, and let them learn wisdom from the searchings and conclusions of able and learned antiquarians relative to these antediluvian matters, and let the antiquarian, the geologist, the historian, the learned divine, continue their ponderings thereon.

I would like to have the readers of this read my first article, particularly that part relating to the fort and mounds at Toolsboro.

In conclusion, I will say, our county, in addition to the two railroads now passing through it, and in hailing distance to the one now to New Boston, Illinois, has the prospect of one from mouth of Iowa river, or Toolsboro, westwardly through Wapello, Crawfordsville, Brighton, Richland, and Oskaloosa to Council Bluffs, or Wapello, Washington, Sigourney, and Oskaloosa to Council Bluffs. Either route would be of easy and light grades, and easily constructed, and the citizens along the route will, no doubt, take hold and complete it to Council Bluffs. For, at the present time, any people away from a railroad and its conveniences and advantages are subjected to

a great loss; and all efforts to build up towns away from railroads are perfectly futile. But the opposite of this is shown along the line of all railroads, in the increased price of farms, and in the rapid increase in growth of towns, and prices of property. This is but a natural and unavoidable result; for the necessary and acquired business of the road itself produces life and stir at all their stations, attracting and drawing there, and making therein the center of all mechanical, mercantile, manufacturing, and grain and stock dealing operations of that vicinity. Therefore, the people being watchful of their interest, will take immediate steps for the making of said railroad, even if it should require half their real estate to do it; for, one-half with the road, will be worth more than all without, and the attention of capitalists seek opportunities for investment and business, through this new channel and convenience for freighting by railroad and river, and Louisa county go on to prosper, and be prospering.

(To be continued.)

SQUATTERS AND SPECULATORS AT THE FIRST LAND SALES.

BY HAWKINS TAYLOR.

Previous to the survey of lands in Iowa, even to the survey of the base and township lines, what was known as the Black Hawk purchase (as described in a former number of your paper), was mainly taken up and settled upon by what was then designated as "squatters." There were then no homestead laws, as now, not *even pre-emption laws*. The settlers had to be a law unto themselves, to protect their own homes and firesides. To do this previous to the lands being offered for sale, the settlers in each township met and adopted their own by-laws, by which each settler was allowed to hold three hun-

dred and twenty acres of land, by settling on the same, or making certain improvements thereon; they also appointed a committee of five or seven, to settle all disputes, which were numerous, mainly growing out of the fact that nearly all of the claims were made before the lands were surveyed, and seldom agreeing with the claim lines. Often the house of one settler and the farm of another would be on the same one hundred and sixty acres, by the government survey. This township committee prepared a township map, and registered each settler's claim as he claimed to have located it, and so on until all the settlers in the township filed their claims, when the committee would cite before them all parties contestants, and have each party bring his witnesses and give all the facts in his case. Each party and all the witnesses told their own story, on the honor of settlers; none were sworn; there was no need of swearing men at that day to get the truth. The committee would then decide the case, and correct the register accordingly, and from *that decision there was no appeal*, and I never knew of injustice being done in a single case. After this registration was made, a bidder was appointed for each township, who bid off at the land sale each tract of land to the party to whom it was registered, and, in cases where more than one man's claim was embraced in the same tract, the person to whom it was bid off would deed to the proper claimant the amount belonging to him, he paying his proper share of the purchase-money. In this way, every man was fully protected in his rights. The law never did and never can protect the people in all their rights, so fully, and so completely, as the early settlers of Iowa protected themselves by these organizations, doing justice to all, as well as paying the government fully for the lands occupied by them.

The land officers at Burlington, General Van Antwerp and General Dodge, most heartily entered into the spirit and interests of the settlers at the land sales in securing them their lands, for which these early settlers honored Gen. Dodge, politically, as few men were ever trusted by any people. Gen.

Van Antwerp, fortunately, or unfortunately for himself, as a politician, never went to the people for office; he was of the old Knickerbocker chivalry — was educated at West Point, and always wore a boiled shirt and starched collar — full of grit, but always true, but never of the masses. God bless, as He will surely do, the “old settlers,” generally and collectively, of that day.

Strange as it may seem to people at this day of free lands to all who will go and settle upon them, at that day, the settlers on public lands were held as squatters, without any rights to be respected by the government or land speculators. Many amusing incidents happened at these sales; one I will relate: There were thousands of settlers at the sale at Burlington, in the fall of 1838; the officers could sell but one or two townships each day, and when the land in any one township was offered, the settlers of that township constituted the army on duty for that day, and surrounded the office for their own protection, with all the other settlers as a reserve force, if needed. The hotels were full of speculators of all kinds, from the money loaner, who would accommodate the settler at fifty per cent, that is, he would enter the settler's land, in his own name, and file a bond for a deed at the end of two years, by the settler paying him double the amount the land cost. At these rates, Dr. Barrett, of Springfield, Illinois, and Louis Benedict, of Albany, New York, loaned out one hundred thousand dollars each, and Lyne Sterling, and others, at least, an equal amount, at the same, or higher rates of interest. The men who come to Iowa now cannot realize what the early settlers had to encounter. The hotels were full of this and a worse class of money sharks. There was a numerous class who wanted to rob the settlers of their lands and improvements entirely, holding that the settler was a squatter and trespasser, and should be driven from his lands. You would hear much of this sort of talk about the hotels, but none about the settlers' camps. Amongst the loudest talkers of this kind was an F. F. V. a class that has now about “give out.” This valiant gentleman was going to invest his money as he pleased,

without reference to settlers' claims. When the township of West Point was sold it was a wet, rainy day; I was bidder, and the officers let me go inside of the office. Just when I went into the office, Squire John Judy, who lived on section thirty-two or thirty-three, whispered to me that he had been disappointed in getting his money, at the last moment, and asking me to pass over his tract and not bid it off. I did so, but this Virginian bid it off. I was inside, and could not communicate to any one until the sale was through, and, as I did not bid on the tract, the outsiders supposed that it was not claimed by a settler, and the moment the bid was made, the bidder left for his hotel. As soon as I could get out, which was in a few minutes, and make known that Judy's land had been bid off by a speculator, within five minutes time, not less than fifteen hundred of as desperate and determined a set of men as ever wanted homes, started for the bold bidder. Prominent in the lead was John G. Kennedy, of Fort Madison, who enjoyed such sport. Col. Patterson, now of Keokuk, a Virginian by birth, but a noble, true-hearted friend of the settler, and who had been intimate with the Virginian, made a run across lots, and reached the hotel before Kennedy and his army. The Colonel informed the bidder of the condition of affairs, and advised him at once to abandon his bid, which he did, or, rather, he authorized the Colonel to do it for him. The Colonel went out and announced to the crowd that the bid was withdrawn, and that the bidder had also withdrawn himself. Both offers were accepted, but the latter was bitterly objected to, and only acquiesced in when it was found that the party had escaped the back way, and could not be found; there was no other remedy. This was the last outside bid given during that sale, and you heard no more talk about outside bidding, about the hotels. The squatters' rights were respected at that sale.

The secretary of the territory, with Chambers, was O. H. W. Stull, of Cumberland, Maryland, in place of Virginia; he was Chambers's brother-in-law, eccentric, but high-toned and honorable. At the end of his term he returned to his old

home and served as justice of the peace, with credit to himself, up to his death, but a few years since. Many amusing anecdotes could be told of him, of a piece with the one named by Negus.

The first whig territorial convention held was in May or June, 1840, in Muscatine; it was a mass convention to nominate a candidate for Congress. There was a large delegation from Lee and Des Moines counties. The candidates for nomination were Alfred Ritch and Philip Viele, both lawyers, and citizens of Fort Madison, and both men of ability. Ritch was one of the brightest young men in the territory, but fell an early victim to consumption. Judge Viele still lives at his old home, in Fort Madison, rich and honorable. The contest was exciting, and almost bitter. Ritch was the pet of the young America of his party, while the Judge was rather the representative of whig respectability. One delegation from the south numbered about sixty, and camped the first night at Wapello, Louisa county. The next morning, a few miles below Muscatine, in passing a house a red petticoat was thrown out as a slur on Gen. Harrison, the whig candidate for president; the delegates made a charge on the red flag, headed by the redoubtable "Sile Hudson," now minister abroad. The flannel was captured, and the delegation passed on. There was great enthusiasm at the convention. Ritch was nominated, but beaten by General A. C. Dodge, the democratic candidate, by a few hundred votes.

I will give one case, of hundreds and thousands that could be given, of the hardships of the early settlers: Alexander Crookshanks, a Norwegian sailor, one of the noblest works of God, an honest man in all things, settled a few miles west of West Point, in Lee county, in 1835, and, by hard work, made him a large farm. When the sale of his land was ordered by the government, he went to western New York and borrowed four hundred dollars of his brother, to enter his land. This was when Martin Van Buren's specie circular was in force, and certain designated banks were made government depositories by the government. Crookshanks, to be certain

that his money was "land office money," when he got home, paid a premium of three per cent in New York, to get the bills of a city bank that was a government deposit bank. His brother gave him thirty-four dollars to pay his expenses home. At that time there were no railroads. Alex walked to Pittsburgh and there took a boat for St. Louis; but when he got to New Albany, Indiana, the Ohio river was so low that there was no certainty of getting to St. Louis in time to get home by the day of the sale of his land, and he had no money to spare to go by stage. So he, on foot, crossed Indiana and Illinois, reaching home the Friday before the sale on Monday; and when he went to Burlington, he found that his New York money would not be taken by the land office, and he had to shave off his money that he had already paid a premium for, to get "land office money" for "land office money" and pay another premium of twelve and a half per cent, reducing his four hundred to three hundred and fifty dollars. To make up this fifty, he had to sell off a part of his scanty stock at less than one-fifth of what the same kind of stock would sell for now. I recollect the day Alex started to New York to borrow the money to enter his land with, asking him what he would do if he failed; his answer was, "I will come home and try to borrow at the sale, but if I fail, and lose my land, I will cross the Rocky mountains but what I will have and own my own land." Of such stuff were the early settlers. Why should not the state be great and noble now?

RECOLLECTIONS OF THE EARLY SETTLEMENT OF
NORTHWESTERN IOWA.

BY N. LEVERING, GREENWOOD, MO.

(Continued from page 143.)

For several years, there lived and roamed a small band of Indians in northwestern Iowa and southern Minnesota, who were robbers and outlaws from other tribes, banded together. They seceded, mostly, from the Sissitons and Yankton Sioux, and some thieving stragglers from other tribes. They were not recognized by government as a tribe until within a few years back; they, however, drew annuities from government, by attending the drawings with the Yankton Sioux, and passing themselves for Sioux. This band was originally known as the Two-Finger tribe, having taken its name from its chief, "Si-dom-i-na-do-tah" (two fingers), who had lost two fingers in battle. After Si-dom-i-na do-tah's death, his brother, Ink-pa-do-tah (Red Top), succeeded him as chief. It was then known as Ink-pa-do-tah's band. They spent much of their time fishing and hunting about the lakes and rivers of northwestern Iowa. There were among their number several half-breeds. Their numbers have been variously estimated from fifty to one hundred and fifty.

Early in the month of March, 1857, a portion of Ink-pa-do-tah's band were hunting in the valley of the Little Sioux river, in the east of Woodbury county, when they chanced to pursue a herd of elk into the Smithland settlement, near the town of "Smithland," where (as I was informed by one of the settlers) the Indians' pursuit was intercepted by the settlers, who took from them their guns, and pursued the elk themselves. The snow was very deep, the weather cold, and the Indians hungry and weary, having been on the chase for several hours without food; now, deprived of the means of obtaining it, their savage indignation was aroused. They de-

manded provisions of the settlers, but, their stock being short, their wants were not fully supplied. Ink-po-do-tah and his people (estimated to be about fifty) remained some two or three days in the settlement. The settlers, becoming wearied with the protracted visit of their red brethren, resolved to resort to some strategy to relieve themselves of their company, as their cupboards were nearly bare, and meal-tubs empty, which may account for their pursuing the elk. Knowing that the bloody and disastrous defeat of Ash Hollow was yet fresh in the minds of all the Indians in the north-west, and that it had rendered the name of Gen. Harney a terror to every savage heart, they resolved to personate Gen. Harney. One of the settlers donned an old uniform of an army officer, and was soon seen on the opposite side of the Little Sioux river from where the Indians were camped, when he was pointed out by some of the settlers to the Indians as Gen. Harney, and they were told that he was in pursuit of them, whereupon they packed up their tents, and started up the river, with their savage natures aroused and burning with revenge which they yearned to gratify. They were not long in reaching a small settlement in Cherokee county, a distance of about twenty miles. Here they entered the houses of the settlers under the guise of friendship, and, after discovering the whereabouts of their fire-arms and ammunition, they at once seized them and turned them upon their owners, who, until now, had not divined their treachery, and who now found themselves entirely at the mercy of their unwelcome visitors, who were panting for their blood. They first helped themselves to such provisions as they could find, then amused themselves by shooting into the different articles of furniture, ripping open feather-beds and scattering their contents to the winds, and making general havoc among household furniture generally. In one house they found a lady washing; she had a stove boiler filled with water; quite a number of them found much amusement in discharging their guns at it, and would laugh heartily to see the water gush out of the bullet-holes. After they had amused themselves in this way a short

time, they then turned upon the stock, shooting down cattle, hogs, &c., cutting out the choicest portions, and leaving the balance; in the meantime, they kept close watch of the settlers so that none could escape. Their hellish passions were now aroused to deeds of a more diabolical character—they ravished the women in the most brutal manner; the half-breeds among them seemed to be the principal actors in these fiendish outrages; they, however, killed no one. After remaining here two or three days, they next proceeded to a settlement in Clay county, that being the next, or nearest, on their route. Arriving there, they scattered out in small squads to the different houses, made demonstrations of friendship as they entered the houses of the settlers, but were not long in developing their treachery. Here similar destruction of property followed as at Cherokee, and, if possible, the abuse of the women was worse. In some instances, they would make the husband and father stand, with the muzzle of a gun pointed at his bosom, and see his wife or daughter ravished by these fiends incarnate. After remaining here some two or three days, and laying waste the property of settlers, but sparing their lives, they left for Spirit Lake, and the Oak-a-bo-jie lakes in Dickinson county. These lakes, for years, had been the favorite resort for these Indians and nearly all the northwestern tribes. They are romantically situated, and their scenery is of the most enchanting character. Spirit Lake is about twenty miles in circumference, its waters remarkably clear and sparkling—so clear that the eye can penetrate its crystal bosom several feet. In the middle of this lake no bottom has ever been found. It abounds in every variety of fish found in, or common to, the north-western lakes and rivers, together with other aquatic game of every kind that is known to the country. This lake is about eight feet higher than that of East Oak-a-bo-jie, which is not over six or seven rods distant to the south of it. An enterprising yankee, in 1860, if I mistake not, cut a channel from one of these lakes to the other, and erected a grist mill on the bank of the Oaka-bojie, thus securing a most valuable mill seat, and forming

the only outlet to Spirit Lake. The waters of this beautiful lake are, at times, much agitated and thrown into great commotion, its waves surging and dashing their white foam upon its beautiful pebbled shores, while at the same time the waters of the Oakabojie are perfectly calm and tranquil. It is related that, at times, deep consecutive roarings are heard in the midst of this lake, as if proceeding from the depths of its silvery bosom.

"Lo! the poor Indian, whose untutored mind
Sees God in clouds, and hears Him in the wind,"

believes this roaring to be the voice of the Great Spirit, and this lake is the home or abode of spirits: so firmly were they of this opinion, that it is said that an Indian's canoe never pressed its crystal waters, or his dripping oar ruffled its bosom; hence the name of Spirit Lake. Oakabojie is also an Indian name, meaning a place of rest: or, as an old French interpreter defined it to me, "when I get there I feel rested; I don't feel tired." East Oakabojie is about two and one-half miles long, and will not exceed three quarters of a mile in width at the widest point. The beautiful groves of timber that partly encircle this lake add much to its beauty and romantic character. Its waters are not so clear and pure as those of Spirit Lake, showing, conclusively, that there is no connection between the two. It, too, is filled with a large variety of excellent fish, and its bosom is constantly dotted over with countless numbers of aquatic fowls, which keep up a continuous squawking serenade, and inspire the beholder with a feeling of romance and pleasure. At the south-west extremity of this lake is located West Oakabojie Lake, united to the former by a small channel of water. At this point a peninsula extends from the south to within two or three rods of the opposite shore, forming an excellent wagon road, and across the channel is a good bridge, completing the road to the opposite shore. West Oakabojie is about the same size of its sister lake, but its waters more clear and pure, showing that there is no connection between the two, other than the channel before spoken of. The shores of this lake, in places,

are walled up with boulders for several feet in length, and have the appearance of having been built by the hands of some very skillful stone mason. Whilst many believe that human hands erected these walls, I cannot but think that the great Architect of the Universe, who scooped out these beautiful lakes and filled them with their limpid waters, erected these walls, in the lapse of time, by causing the waves to dash against the shores and wash out or remove the surplus gravel and stones, thus leaving the boulders one upon another as they now lie. In many places the shores are crowned with beautiful groves and charming foliage, that bend their waving heads over the brow of these rocky shores, as if to kiss the frothy waves that dash at their feet. This lake is the source of the Little Sioux river.

Well might the Indian call this, place of rest ; for here he could rest his wearied limbs after a long chase, and cool his heated brow, and slake his thirst, and regale his appetite on the luxurious fish that coursed through these pearly lakes. The Indian was not the only one to appreciate and enjoy this beautiful country ; these beautiful lakes and surrounding rich agricultural country, for many miles, soon attracted the attention of the hardy pioneers. In the spring and summer of 1856 a number of families, numbering in all about sixty persons, settled about these lakes, at different points, making the settlement very scattering. It was here that those savage miscreants bent their way after leaving the settlement in Clay county, with a determination to slake their thirst for blood. On arriving there, they scattered out in small bands to the cabins of the settlers, professing the same friendship as they had done on previous visits ; when they had thus entered all of the houses in the settlement, they made a simultaneous attack upon the inhabitants, followed by an indiscriminate butchery and destruction of property. They spared none from the merciless tomahawk and scalping-knife except four women, who were made prisoners ; they were Mrs. Marble, Mrs. Noble, Mrs. Thatcher, and Miss Gardner. Some five or six of the men were absent, thus saving their lives. Two

wounded men (Thomas and Carver, I think, were their names), and a boy twelve or fifteen years old, and a young lady were all that escaped. These four last named persons were afterwards rescued by three companies from Fort Dodge, and vicinity, under command of Maj. Williams, of that place, who, on learning of the terrible massacre, at once hastened to relieve the sufferers. These were noble-hearted men, for, in spite of the very deep snow, severe frosts, swollen streams, and warring elements, they beat their way through the snow—sometimes drifts of fifteen or twenty feet in depth—dragging after them their provisions and arms on hand-sleds, the deep snow and swollen streams rendering their horses and cattle of but little utility; the frozen earth was their bed at night, without a tent to cover their heads from the severe frosts or pelting storms. On arriving there they buried the dead, which were about forty-two. On their approach the enemy fled; they pursued them to the state line, when they retraced their steps for home. On their march homeward they were overtaken by a severe snow-storm, in which two of these brave men perished—Captain Johnson, and William Buckholder—whose bodies were afterwards found and decently interred; many others were severely frosted. The names of these noble men deserve to be written in letters of gold.

The Indians remained about the lakes for about one week after committing the horrid butchery, keeping a close watch all the while over their prisoners, whom they kept secreted in the brush; in the meantime, keeping a sharp look-out for the approach of troops.

In the fall of 1861, Mrs. Marble removed to Sioux City, and resided in the family of Wm. Granger (whose brother had fallen a victim in the massacre), when I made her acquaintance. I learned from her, through Mrs. Levering (for she would not converse with a gentleman upon the subject of her captivity), that the same Indians who murdered her husband and took her captive, were in the habit of frequently visiting her house, always manifesting warm friendship, and, on coming into the house, would leave their guns at the door, on the

outside; but, on the day of the massacre, when they entered they brought them into the house with them, which aroused her suspicions that all was not right. They ordered something to eat, which she immediately set about preparing for them; and, while thus engaged, they insisted that her husband should shoot at a mark with them, which he had frequently done. Mr. Marble was a good shot, and a good competitor for them. The mark was shot down, and Marble ran to put it up, and, thus engaged, they shot him down, killing him almost instantly; they then turned to Mrs. Marble and told her that she must go with them. After partaking of the repast which she had prepared for them, they loaded her down with such plunder as they wished to possess, and started for their camp, which was in the timber near the lake shore. The poor captive could now only gaze for a moment and for the last time, on the cold and lifeless form of him she so fondly loved, and with whom she had periled her life amid the wilds of the frontier, far from dear and loving friends, and among a savage and merciless foe. She was goaded on by these unfeeling demons, through the deep snow, and under a crushing load, to their camp, where she found the other unfortunate captives, who, like herself, with streaming eyes and a bleeding heart, had gazed for the last time on the lifeless forms of loved ones, and their rustic homes, once so happy and cheerful, now so gloomy and desolate.

On leaving Spirit Lake, the savages headed for Springfield, a small town in Minnesota, which they attacked, but were met with strong resistance, and were repulsed, the settlers fighting nobly.

From what Mrs. Marble could learn from her captors, some of the settlers about the lakes made a desperate resistance. On their leaving Springfield, they were closely pressed by a company of mounted infantry from Fort Ridgley, under Capt. Bee.

Captain Bee pursued the enemy only a few miles, overtaking some straggling squaws, and finding considerable plunder that had been left behind in order to precipitate their flight;

he was, undoubtedly, close upon them when he abandoned the pursuit. Mrs. Marble stated that quite frequently she fell prostrate to the earth from sheer exhaustion under her burdensome load, when one of the savages would place the muzzle of a loaded gun close to the side of her head and fire it off, the report of which, said she, "would nerve me up, and I soon found myself again upon my feet." So close would they fire the gun to her head that the hair was burned off the side of her head, and the skin on her neck and face filled with powder, the marks of which were visible for years after. In addition to the heavy loads they were forced to carry, each one was compelled to carry a pappoose strapped on top of their load. These tawny little specimens of human nature they were anxious to rid themselves of, if possible, and, whenever an opportunity presented itself that they were not discovered by the Indians, they would give the little copperheads such a blow with their fist, or pinch, as would cause them to yell lustily, so that the Indian parents soon came to the conclusion that "Injun pappoose no like white squaw," and they were relieved of them, in a measure.

When Mrs. Thatcher was taken prisoner, her little babe, about four weeks old, was murdered; and, not having a child to nurse, and being exposed to the deep snow and inclemency of the weather, her breast bealed, and her limbs became very much swollen, so that by the time they reached Big Sioux river she was almost totally unable to travel further. Having been goaded on for days under an intolerable load until her physical powers were completely overtaxed, weary nature now yielded, and death stood waiting for the last sands of life — not as the king of terrors, but to her, as a kind and benevolent friend, ready to relieve from distress. While she was making an effort to cross the river on a log or tree that lay across the stream, the savages, doubtless, thinking that she would no longer be of use to them, shot her through the head, her body falling into the stream, where it was left. Thus ended the sufferings of Mrs. Thatcher.

(To be continued.)

ROBERT LUCAS, THE FIRST GOVERNOR OF IOWA.

(Concluded from page 169.)

Concerning the boundary difficulty between Iowa and Missouri, Governor Lucas, on the 3d of October, 1839, wrote to the secretary of state, saying it seemed to be his misfortune to be drawn irresistibly into a controversy with the authorities of the state of Missouri, and inclosing copies of his own proclamations and the proclamation of Governor Boggs, of Missouri, together with copies of acts of the Missouri legislature touching the matter, and complaints of the county commissioners of Van Buren county, Iowa.

In those days the mails traveled in slow and uncertain coaches, and the governor, therefore, determined to dispatch to Washington a discreet and intelligent special messenger, who, besides bearing his communications with safety and celerity, would be able to explain satisfactorily the condition of affairs to the authorities at Washington. James M. Morgan, or, as he was nick-named, on account of his rather small stature and vermillion hair, "Little Red," who was afterwards editor of the *Burlington Gazette*, was selected for this responsible duty; and on the 9th of December started from Burlington for Washington, with a detailed statement of the condition of affairs in writing by the governor. But "Little Red" was only four days on his journey, when the situation having become suddenly more threatening, the governor, on the 13th of December, forwarded another communication to Washington, giving additional information, requesting instructions how to act, and inclosing the affidavit of Stephen Witcher, Jr., a lawyer residing in Muscatine, who had just returned from a visit to the scene of difficulty, setting forth the fact that the state of Missouri had actually embodied an armed force for the invasion of Iowa.

The legislature of Iowa, perhaps intending to pour oil upon the troubled waters, passed a preamble and resolutions of so conciliatory a temper that in effect they surrendered the point

at issue to the Missouri authorities. They were entitled "Preamble and Resolutions relative to the difficulty between the territory of Iowa and the state of Missouri." The governor, whose message to the legislature vetoing them, was dated December 6th, 1839, had no further to look than to their title for a reason for withholding his signature from them; for he said that he recognized no difficulty between *Iowa* and Missouri, but that the controversy was between that state and the *United States*. The Governor of Missouri, nevertheless, seems to have taken advantage of their passage by the legislature by publishing them, and leaving the inference to be drawn that they embraced the sense of the territorial government of Iowa on the subject; whereas they had no such significance without the sanction of the governor.

However, the Missouri authorities, seeing the firm stand taken by Governor Lucas, soon after began to relax their grasp, and the result of the whole proceedings, which had kept both Iowa and Missouri in a state of turmoil for more than a year, was that Sheriff Hettleman, of Clark county, Missouri, was arrested by the sheriff of Van Buren county, Iowa; and, to avoid excitement and the possibility of an attempt at rescue by the Missouri partizans, was brought to Burlington, where he had an interview with Governor Lucas. The governor extended to him kind words and a conciliatory manner, promising, so far as he could in his executive capacity, to shield him from the consequences of his attempt, in obedience to the mad-cap acts passed by the Missouri legislature, to discharge official duties in Iowa that should have been confined to Missouri. Hettleman declined to enter into recognizances, as suggested by the Iowa authorities; but, notwithstanding this, was not imprisoned, but was nominally in the custody of the sheriff of Muscatine county, and boarded with Josiah Parvin (father of Prof. T. S. Parvin), and, as his host, like others of a later generation of the same name, was distinguished, among other commendable qualities, for hospitality and generous fare, no tears need be shed at this present writing over his captivity. The excitement resulting from his arrest gradually subsided,

till on the 3d of November, 1840, Governor Lucas had the satisfaction to formally and officially announce that it had ceased altogether, and that the cordial and fraternal feeling which should ever mark the intercourse of the citizens of the several states was fully restored between the people of Iowa and Missouri.

The arrest of Heffleman was the culmination of the controversy. Missouri, having followed bad councils, and with much pomp and bluster precipitated a state of affairs bordering on civil war, like all braggarts, was in the end most completely defeated and deeply humiliated, and the judgment and conduct of Governor Lucas was signally, though tardily, vindicated in the end, by a decision of the supreme court of the United States, rendered in December, 1848, giving to Iowa all the territory ever claimed for her by her first governor.

Governor Lucas announced in his message of November 5th, 1839, to the legislative assembly, that the territory of Iowa had advanced since its organization in improvement, wealth, and population (which latter was estimated at fifty thousand), without a parallel in history, and recommended the necessary legislation preparatory to the formation of a state government. The governor's recommendation was followed by the legislature, but the proposition to form a state government for Iowa was overruled by the people, and only consummated in 1846.

Among the latest of Governor Lucas's official acts in his capacity of executive, was a proclamation, dated the 30th of April, 1841, calling the legislature to assemble, for the first time, at Iowa City, the new capital, on the first Monday of December succeeding, in accordance with a legislative act passed at the previous session, changing the time for the meeting of the legislature, and authorizing the governor to proclaim Iowa City the capital as soon as the new state house should be in a sufficient state of completion to give shelter to the assembly, or suitable buildings for its meetings could be procured here.

The democratic administration of Van Buren having given

place to the whig government of Harrison, on the 25th of March, 1841, John Chambers was appointed territorial governor of Iowa, to succeed Governor Lucas, whose term would have at any rate come to a close by limitation on the 4th of July succeeding. The letter of Governor Lucas to Daniel Webster, then secretary of state under Tyler (who by this time had become president), is dated June 18th, 1841, and informs the administration that he had turned over his office to his successor, and also contains a pretty sharp side thrust at Chambers for the apparently discourteous manner in which he had taken possession of the executive office in Lucas's temporary absence, and without calling on, or in any way notifying him of his presence or authority. This ought, however, to have been overlooked and excused by Lucas, as it was no doubt attributable to ignorance of official etiquette on the part of Chambers; for it was long since the whigs had had a chance at office, and they had lost the knack of taking hold, like a half-weaned child that retains the old thirst, but has awkwardly forgotten the manner of gratifying it.

After retiring from the office of governor of Iowa, Governor Lucas removed to the land, adjoining Iowa City on the southeast, which he had purchased from the government when it was first brought into market, where he spent the most of his remaining days in the management of his farm, the care of his family, and the education of his children. From these grateful employments he was to some extent withdrawn for a time by the people of Johnson and Iowa counties, who elected him as one of their members of the first state constitutional convention; Hon. S. H. McCrory and Hon. Henry Felkner (the latter now a resident of Muscatine county, and the former still living in Johnson county), being his colleagues from this district. He was also a member of the first board of trustees of the state university.

From early youth, Governor Lucas had been a devoted and consistent member of the Methodist Episcopal Church, and consecrated much time to the composition of hymns and verses of a religious character, many of which are by no means destitute of true poetical merit.

In looking back upon the vista of a long and useful life, there were no material points in his eventful career to be regretted. Starting on the errand of life in the dense forests of Ohio, with the surveyor's chain and compass in his hands, these instruments seem to have suggested the high resolve, never once relaxed, to direct his private steps and official walks in straight lines, regardless of personal consequences.

He had a clear insight into the future, and predicted, on account of slavery, the civil war, which since his death has steeped the land in blood. Of a truly courageous and independent spirit, although warmly attached to the political party whose principles he had espoused in youth, he did not hesitate to sever his connection with it when he conceived its course reprehensible, as he did when he withdrew his support from the presidential nominee of his party in 1852. This trait of his character is also well demonstrated in his calm devotion to the dictates of duty during the boundary difficulties with Missouri, while the legislative assembly was petitioning the president for his removal, and the secretary of the territory was intriguing for his displacement.

His abnegation and heroism are evinced by an episode in his military services, while attached to Hull's army. In a retreat, after a disastrous engagement with the British and Indians, one Stockton, a mounted man, had his horse badly wounded in the head, which caused the animal to plunge about till he had covered his rider with blood and then thrown him off. Governor Lucas, who at the time was acting in the capacity of a brigadier general, and with a few brave militia was covering the retreat and keeping the enemy in check, seeing the horseman rise stunned and bleeding, uncertain what to do and unable to proceed, and apparently badly wounded, without hesitation instantly dismounted and helping Stockton into his own saddle, pointed the way, and told him to make his escape as fast as his horse could carry him. This delay left Governor Lucas on foot and the very last man on the retreat, exposed to the deadly fire of the pressing Indian enemy, from whose showers of rifle balls he was only miraculously protected.

Thus, at the hazard of his own life, he saved that of a fellow-soldier, though an entire stranger to him.

In person, Governor Lucas was tall, being six feet in stature, active and wiry. His complexion presented that combination of colors rarely blended — black hair, a fair skin, and blue eyes. His aquiline nose was long and thin. Though stern in camp and council, in private life he was exceedingly gentle, pleasant and kind, the companion of children and the friend of boys, though his daughters contend that he loved his girls the best, while all agree that he was the best of play-fellows. It is therefore unnecessary to add that he was an indulgent father as well as an affectionate husband. All men who knew him, even those who differed from him on questions of public polity, accord to him native ability of a high order, incorruptible honesty of purpose, and unswerving patriotism.

In habits, Governor Lucas bordered on the ascetic, abstaining from alcohol in all its forms, from hard cider to modern whiskey, and was a member of the first temperance society organized in the United States. Though not rich in humor or wit, he was an exceedingly eloquent and popular stump speaker. Leaving the field of anecdote and pleasantry to others, he dealt in sledge-hammer facts and argument, pressed in a fluent and earnest manner, which carried the crowd.

His death was not the result of disease, but from exhaustion and the weight of years. His physicians, M. J. Morsman, M. D., and Henry Murray, M. D., of Iowa City, were assiduous in their attentions to him. But only "seventy years are allotted to man," and he had already exceeded this term by nearly two years. On the 7th of February, 1853, full of years and honors, gray-haired and venerable, in the presence of all the members of his family save one, without regrets, struggles, or objections, he quietly passed earth's boundary line, more unchangeably fixed for us all than that of Missouri or Michigan, to the confines of immortality.

On the following day his body was consigned to the cemetery adjoining Iowa City on the northeast, where he awaits the resurrection, and where the place of his rest is marked by

a four-sided marble shaft, bearing on the west side, besides the keystone and other emblems of masonic mysteries, illegible except to exalted members of that benevolent order, this inscription : —

ROBERT LUCAS,

DIED

Feb. 7, 1853,

AGED

71 ys. 10 ms. and 6 ds.

HE SERVED HIS COUNTRY IN
THE WAR OF 1812,
WAS ELECTED TWICE GOVERNOR
OF OHIO,
AND WAS THE ORGANIC
GOVERNOR OF IOWA TERRITORY.

I AM THE RESURRECTION AND
THE LIFE ;
HE THAT BELIEVETH IN ME,
THOUGH HE WERE DEAD,
YET SHALL HE LIVE.

His death occurred just as the Sabbath night had worn into the morn of Monday. Charles Cartwright and Col. Trowbridge composed his body for the grave. The funeral took place the succeeding Tuesday, and was numerously attended — the religious services being conducted at the Methodist church, on the corner of Dubuque and Jefferson streets, by the pastor, the Rev. Thomas E. Corkhill, and at the grave by the masonic order, of which he was a member of high rank, under the superintendence of Hon. E. Clark and Col. S. C. Trowbridge. The procession from the church to the cemetery was one of genuine mourners, who had no need of black crape or other factitious signs of woe, to indicate their grief, as they followed the dead governor, on whose coffin lay the sword so gallantly won and worn in the second war for independence, and which he had bequeathed to whichever of his

grandsons should first bear arms in defence of his country.*

As the future qualities of organic matter, animal or vegetable, are foreshadowed in the germ, so is it with states. Who will say that many of the qualities which have made citizens of Iowa pre-eminent in camp or cabinet may not be due, remotely, to the impulse given the young territory by her first governor? He earnestly advocated the common school system, and to-day our prairies are decked with school houses, dotted with colleges, and crowned with two universities. He laid it down as an inflexible rule for his official action that no gambler or drunkard should receive an executive appointment during his term, and Iowa was among the first of the states to enact a prohibitory liquor law by the popular voice, and the worst forms of gambling are, to a great extent, banished from the State. He strongly advised an early and thorough organization of the militia, and though parage has been dispensed with, the latent martial spirit was such that scarcely a great feat of the late tremendous struggle can be recounted by the historian without recording the transcendant valor of some Iowa corps.

It only remains to be added that, as an indication of the appreciation in which his services are held, and the future interest to be taken in his memory, the Historical Society, aside from this brief and very imperfect sketch of Governor Lucas, and his portrait published in the January number of the ANNALS (copies of which are already being sought by those who hold his memory dear in other states), possesses a life-like and life size portrait of him, painted by an Iowa artist, Mr. George E. Yewell, which adorns the library room of the society.

*In accordance with the governor's bequest, this sword, worn by Governor Lucas when in the regular army, has come into the possession of Charles S. Nealley, of Muscatine (the only son of Governor Lucas's second daughter, Abigail, deceased, who was the wife of the late Col. Charles Nealley), an orphan boy, who at the age of sixteen, in October, 1861, joined Company G of the Eleventh Iowa Infantry, at its original organization; but who, having been rejected on account of his youth, was, on his repeated opportunity, mustered in as a drummer boy, and served with his regiment in this capacity till after the battle of Shiloh, when he was discharged on account of sickness. He afterwards re-enlisted in the Second Iowa Cavalry, with which he served as musician in the regimental band.

THE STATE UNIVERSITY.

As one of the objects of the ANNALS (as by standing announcement on its cover has been made known to its readers for years) is to publish such historical facts as relate to "the origin, growth, and development of the institutions of the state, with their bearing upon the various interests which have called them into existence," it may not be amiss to say a word concerning the action of the board of regents at their session, begun the 28th of June last, the first held under the law passed by the legislature last winter, "for the government of the state university."

At this meeting two very important measures were adopted by the regents — an affirmative measure abolishing the chair of history and political economy, and a negative measure, refusing to say yes or no to the medical department — a false conception of the late board of trustees, which was blighted *in embryo* by the act creating the board of regents. This act distinctly says, "the university shall include a collegiate, scientific, normal, law, and such other departments, with such courses of instruction and elective studies, as the board of regents may determine:" and, of course, failing to name a medical department, although its framers well knew such a department had a *quasi* existence under the old Board, it must be conceded to be suspended for the time being by the law, unless the courts shall decide that the negative action of the regents in refusing to perform a work of supererogation by declaring suspended or abolished a department which had already been set aside by the legislature, should be interpreted as establishing it — a theory exploded by a positive resolution of the regents refusing to make any appropriations themselves, and withdrawing all those already made by the preceding board to the medical department; or unless a special meeting of the board (who adjourned till next March) should be held previous to the re-opening of the university in September, to define the intent of their first action, and declare otherwise.

But it was not to discuss the propriety of the present attempt to establish, without authority of law, a medical department, which has met the all but unanimous protests of the medical profession of the state, the opposition of all the instructors in the university but two, the condemnation of the legislature itself, and the earnest remonstrances of four of the six regents recently elected by the legislature, and is supported only by the pretended medical professors themselves, and their parasites, together with those of the old board previously committed to the project; but rather to point out the inconsistent redundancy in the cast of the interloping medical faculty when compared with the merciless pruning of the collegiate department, in stripping it of a chair recognized as a necessity by nearly every college of standing in America and Europe, and one which was filled by a gentleman the longest of any associated with the university, and who, by securing to it by appropriation of a former legislature, the proceeds of the saline lands, had insured to the university one-fifth of its entire permanent fund.

A newspaper published at the seat of the university, says, in a semi-official tone, that the chair of history, which was lopped off the collegiate department by the board of regents, "was created by the last board rather as a temporary arrangement, and the time seeming to have arrived now when its labors could be distributed among the other professors and save the expense of a separate teacher, it was, by resolution, abolished as a separate chair of the institution." This explanation of the action of the Board is flatly contradicted by the official announcements of the university itself from its organization in 1856 to the present time—every chancellor or president, actual or acting—Amos Dean, Silas Totten, O. M. Spencer, N. R. Leonard, and even Dr. Black himself—proclaiming its importance; and in Totten's time it was placed only second in the list of professorships. So that this chair does not seem to have been established as a temporary one, but has been recognized and commended by every president of the university from the organization of that institution to the present time.

But in the composition of a faculty for the spurious medical department we find a redundant complement of chairs overflowing with professors, without any effort to prune down to save expense. For instance, here we have the chair of medical jurisprudence, while there are but two other medical schools in the whole Union containing such a professorship; and, again, we have the chair of obstetrics, and the chair of diseases of women and children, filled by two separate professors; while in such medical schools as Bellevue, New York, the medical department of the university of Pennsylvania, Philadelphia, and a dozen others that might be named, the most eminent institutions of medical learning in the country, where the professor is secured for the chair and the chair not made for the professor, we find these chairs combined. The anxious inquirer will, therefore, have to look elsewhere than to economy for the motive of the president of the university in recommending the abolishment of the important chair of history and political economy in the collegiate department, while he favors and commends the unusual and unnecessary ones referred to in the medical department.

It is but sheer justice to add that Prof. T. S. Parvin, who has been removed from his professorship in the university by the recent action of the regents, is a gentleman who has long and earnestly devoted himself to the study of history, local and general, ancient and modern, and is conceded by all to have special aptness and qualifications for the chair which has been discontinued.

MEMOIR OF COL. N. W. MILLS.

Noah Webster Mills, the fourth colonel of the second Iowa infantry, whose portrait we present as a frontispiece to this number of the *ANNALS*, was born in Montgomery county, Indiana, June 21st, 1834. He received his education partially

at Wabash College, defraying his own expenses while there from the proceeds of his work in a printing office. In college he was distinguished for modesty, morality, and industry. After leaving college, he was attached to an engineer corps, and afterwards was employed in Adams' Express Company as a messenger. While thus engaged, he applied his spare moments to the study of law. He was admitted to the bar in 1856, and the same year removed to Des Moines, where, renouncing the profession of law for the time, he engaged with his brother, F. M. Mills, in the book printing business, as one of the well known and successful firm of Mills & Co.

On the breaking out of the rebellion, he was among the first in Iowa to join the Union army, and entered the service as a lieutenant in Capt. M. M. Crocker's company, which was assigned to the second infantry. At the organization of the regiment, Crocker became major, and Mills took his place as captain, which position he held till the 22d day of June, 1862, when he was promoted to the majority, two days later to the lieutenant colonelcy, and finally, in the succeeding October, to the full colonelcy of the regiment. His latest promotion, however, had not time to reach him before his death. He entered upon his military career with the lowest commissioned position, and in seventeen months, by bravery and good conduct, had attained the highest regimental rank.

He had passed with his regiment unscathed through many severe conflicts, such as the siege of Fort Donelson and the battle of Shiloh, but death awaited him in the second day's battle of Corinth, October 4, 1862, where and when he received his death wound. Col. Baker, whom he succeeded in command, had been mortally wounded in the battle of the preceding day. On the second day, the enemy had massed his forces on the south side of Corinth for a last desperate charge on the Union lines, and came dashing down into the town on the double-quick. At this critical juncture Col. Mills, while rallying his regiment in a successful effort to drive back the rebels, received a musket ball in the sole of the foot, which plowed a furrow from the toes to the heel. He was taken to

the hospital in due time, and his wound not being considered even dangerous, he was warmly congratulated on the happy issue of the fight, and the conspicuous services himself had rendered in securing the victory, as well as on the promotion which certainly awaited him. But, unhappily, death is too often in the wake of the slightest injury, and lock-jaw supervening, the gallant Col. Mills, eight days after the receipt of his wound, was numbered with the slain. His body was soon afterwards brought home, and buried with distinguished honors at Des Moines.

Col. Mills somewhat exceeded the average height, and was rather portly. He had a good voice and was kind and frank in manners, which were enhanced by a blue eye, fair complexion, and light brown hair. He was a good scholar and a forcible writer, and, though young, was an influential citizen of Des Moines at the beginning of the war.

L. D. Ingersoll, author of "Iowa and the Rebellion," says of him: "A kinder heart than his never beat, nor a more generous soul ever animated man. He was a practical printer, a ripe scholar, an independent thinker, a fine writer, an excellent soldier, a man of a thousand admirable qualities and not one bad one. His modesty had prevented him from gaining the standing to which his merits entitled him; but it is the absolute truth that in his death Iowa lost one of her best, one of her most lovable, most promising citizens, and the volunteer service an officer who, had he been spared, would have added to its dignity, its fame, and its usefulness."

He left a wife and two children. The battle of Corinth bereft his wife not only of her husband, but of her father, Brig. Gen. Hackelman, of Indiana, who was killed in the first day's fight. When informed of the inevitability of death, Col. Mills sent touching messages to his parents and family, breathing nothing but resignation and heroism.

The principal facts contained in this meagre sketch have been gleaned from Ingersoll's "Iowa and the Rebellion," and Stuart's "Iowa Colonels and Regiments."

EDITORIAL NOTES.

It should have been mentioned before that the fine sketch of Gen. J. A. Williamson, published in the April number, was written by that spirited writer, L. D. Ingersoll, now one of the principal editors of the *Chicago Post*, and popularly known among all Iowa readers as "Linkensale."

The Iowa School Journal, published by Mills & Co. of Des Moines, and edited by an able corps of writers, is one of the regular monthly visitants to the sanctum of the ANNALS. It is so filled with suggestions and experiences in the field of practical education, that we cannot see how any one in Iowa, engaged in this high calling, can afford to be without it.

Miss Mary Murray, a young amateur artist of Iowa City, has just completed, for Gov. Hays, of Ohio, a copy of the portrait of Gov. Lucas, painted by George H. Yewell for the Historical Society. Miss Murray's picture is pronounced, by members of the Lucas family, to be the best likeness extant of the first governor of Iowa.

The Evergreen, a Masonic monthly, published at Dubuque, under the able editorial supervision of Dr. Guilbert, is not only an effective exponent of freemasonry, but always contains articles of value and interest to the general reader.

We send this number, as we did the last, to every newspaper on the secretary of state's list, and to such others as we know to have been started since that list was issued, and are now in receipt of a larger file of Iowa papers than was ever before deposited in the Historical Rooms. We should like to make this file entirely complete, and hereby request all publishers, who have not already done so, to put the ANNALS on their exchange list.

We have not room to publish all the fine things said by the press of the April number of the ANNALS, but the compliments are appreciated all the same.

THE STATE HISTORICAL SOCIETY OF IOWA.

This Society was instituted by the legislature of 1837. An appropriation of \$500 annually was made it in 1850; and by the last (12th) General Assembly \$3000 annually, for two years, was given in furtherance of its objects.

A Library and Cabinet are rapidly accumulating, and the *ANNALS* of Iowa is issued quarterly, on an enlarged scale. To gather the rapidly wasting historical material of the State, the Curators of the Society solicit the following contributions:

1. Old letters, journals, and manuscript statements of pioneer settlers, relative to the early history and settlement of the State, with sketches of prominent citizens of Iowa, either living or deceased, and facts relating to the Indian tribes, chiefs and warriors; and also Indian implements, ornaments and curiosities.
2. Newspapers, exchanges, or papers of old and curious print and date, pamphlets, magazines, catalogues of institutions of learning, Minutes of Ecclesiastical Associations, Conventions, Conferences and Synods, with their origin and history.
3. Information respecting any ancient coins, or other curiosities, found in the State. Drawings and descriptions of any ancient mounds or fortifications, with articles found in them.
4. Indian geographical names, names of streams and localities in the State, and their signification.
5. Books of all kinds, and especially such as relate to American History, travels and biographies in general, and in the West in particular, family genealogies, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statues and engravings.
6. We solicit from Historical Societies and other learned bodies, that interchange of books and other articles, by which the usefulness of institutions of this nature is so much enhanced, pledging ourselves to repay such contributions to the full extent of our ability.
7. The Society particularly asks the favor of authors and publishers, to present, with autographs, copies of their respective works, for its Library.
8. Editors and publishers of newspapers, magazines, and reviews, will confer a lasting favor on the Society, by contributing their publication regularly for its library; or, at least, such numbers as may contain articles bearing upon Iowa history, biography, geography, or antiquities; all of which will be carefully preserved for binding.
9. Specimens of conchology, geology, mineralogy and natural history, relating to Iowa or other regions, are also desired.

We respectfully request that all, to whom this notice is addressed, will be disposed to give to our appeal a generous response. It is very desirable that donors should forward a specification of book or articles donated and sent to the Society.

We are making preparations for a Picture Gallery, and have already secured some valuable portraits from distinguished men. We have also many promises of valuable articles for our Cabinet of Historical Curiosities. The Board of Curators meets in the Society's rooms, on the first Wednesday evening of each month.

PROSPECTUS FOR 1870.

THE ANNALS OF IOWA.

This is a quarterly publication, and will contain not less than *four hundred* pages for the year 1870; with complete Index at the end of the year, and Title Page for binding.

Its object is to collect and preserve in a permanent form facts connected with the history of the State. Of the various classes of historical facts, it will be its special endeavor to publish

1st. Such as relate to transactions of its early days, which are liable to be soon lost by the passing away of the participants.

2d. Descriptive sketches of localities in the olden time, as their primal features are pictured upon the memory of observers.

3d. Biographical sketches of prominent citizens.

4th. The origin, growth and development of the *Institutions* of the State, with their bearing upon the various interests which have called them into existence.

5th. From time to time such of the hitherto *unwritten* history of the great war of modern times as relates to the valorous deeds of Iowa's soldiers, practicable for introduction, or which seems necessary to preserve it from passing from the knowledge of men.

6th. Reminiscences of early settlers of every character of fact pertaining to pioneer life.

To aid in the accomplishment of this purpose, contributions are requested of those who have in memory any portion of the early history of the State, and those having material for history, or authentic manuscripts, will confer a favor by forwarding them to the Editor.

The price of the publication remains ONE DOLLAR a year, although it is now more than double the original size when that price was fixed.

It is expected that subscribers will pay this moderate sum IN ADVANCE.

It was commenced in 1863. Back numbers may be obtained except for the year 1864. That edition is exhausted. The numbers of 1863, bound in paper covers, may be had for \$1.50. Copies for 1865-66-67-68-69 may be had for thirty-five cents per single copy.

The periodicals and newspapers sent us in exchange are placed on file in the Library Room of the Historical Society, bound as soon as volumes are completed, and will of themselves form a collection for reference such as is possessed by no other Institution of the State, and furnish to the future a record of passing events of very great value. Hence editors of all the newspapers and periodicals published within the State are requested to place the ANNALS upon their exchange list.

All communications and subscriptions may be addressed to

F. LLOYD,
Iowa City, Iowa.